

(c) The Captain of the Port may take possession and control of any vessel in the security zone;

(d) The Captain of the Port may remove any person, vessel, article, or thing from a security zone;

(e) No person may board, or take or place any article or thing on board, any vessel in a security zone without the permission of the Captain of the Port; and

(f) No person may take or place any article or thing upon any waterfront facility in a security zone without the permission of the Captain of the Port.

Subpart E—Restricted Waterfront Areas

§ 165.40 Restricted waterfront areas.

The Commandant, may direct the COTP to prevent access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein. This section may apply to persons who do not possess the credentials outlined in §125.09 of this chapter when certain shipping activities are conducted that are outlined in §125.15 of this chapter.

Subpart F—Specific Regulated Navigation Areas and Limited Access Areas

FIRST COAST GUARD DISTRICT

§ 165.T01-0176 Regulated Navigation Area; Lake Champlain Bridge Construction, Crown Point, New York and Chimney Point, Vermont.

(a) *Description of the regulated navigation area (RNA).* All navigable waters on Lake Champlain 300 yards to the north and south of the Lake Champlain Bridge construction zone at Crown Point, New York and Chimney Point, Vermont. The area is bounded by coordinates 44°01'59" N, 073°25'31" W and 44°02'04" N, 073°25'28" W to the north, and 44°01'56" N, 073°25'08" W and 44°01'53" N, 073°25'14" W to the south. The area will be marked with four white and orange-striped "NO WAKE" buoys to define the start and end of the regulated area.

(b) *Regulations.* In addition to 33 CFR 165.10, 165.11, and 165.13, the following

restrictions or conditions apply within this RNA:

(1) No vessel may operate at a speed in excess of five knots.

(2) All vessels must proceed through the area with caution and operate in such a manner as to produce no wake.

(3) Vessels must comply with all directions given to them by the Captain of the Port (COTP) Sector Northern New England or his on-scene representative. The "on-scene representative" of the COTP is any Coast Guard commissioned, warrant, or petty officer who has been designated by the COTP to act on the COTP's behalf. The on-scene representative may be on a Coast Guard vessel, New York State Police, New York Department of Environmental Conservation, Vermont State Police, and Vermont Fish and Game or other designated craft, or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(4) During certain construction activities including installation of the bridge lift span and as deemed necessary by the COTP, all vessel movement into or within the regulated area may be prohibited.

(5) For purposes of navigational safety, the COTP or on-scene representative may authorize a deviation from this regulation.

(c) *Enforcement.* (1) This regulated navigation area is enforceable from April 23, 2010 through December 31, 2011.

(2) The COTP may temporarily suspend all vessel traffic through the RNA, temporarily suspend enforcement of the RNA, or suspend enforcement of the RNA at the conclusion of bridge construction. In any of these events, the COTP will give notice by all appropriate means to ensure the widest publicity among the affected segments of the public. Such means of notification may include, but are not limited to, Broadcast Notice to Mariners and Local Notice to Mariners. Notification will include the beginning and end dates and times when the traffic suspension or enforcement suspension is effective.

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(3) Violations of this RNA should be reported to the COTP at (207) 767-0303 or on VHF-Channel 16. Persons in violation of this RNA may be subject to civil and criminal penalties.

EFFECTIVE DATE NOTE: By USCG-2010-0176, 75 FR 22231, Apr. 28, 2010, temporary § 165.T01-0176 was added, effective Apr. 23, 2010 through Dec. 31, 2011.

§ 165.T01-0239 Safety zones; Marine events within the Captain of the Port Sector Northern New England area of responsibility.

(a) *Safety zones.* (1) The following areas are designated safety zones:

(2) *Locations.* For all fireworks events listed in the events table in this paragraph (a)(2), all navigable waters within a 350 yard radius of the fireworks launch site. For all power boat races, regattas, boat parades, rowing races, and paddling boat races, all vessels not associated with the event must maintain a 50 yard radius around all vessels participating in the event.

EVENTS TABLE

5.0	MAY
5.1 Downeast Adventure Race	Event Type: Rowing and paddling boat race. Sponsor: Washington County Community College. Date: May 1, 2010. Enforcement Time: 10 am to 2 pm. Location: The regulated area includes all U.S. waters in the Saint Croix River from the launch site in Calais, Maine at approximate position 45°11'24" N, 067°16'48" W (NAD 83), following the river bank to the end site at position 44°10'07" N, 067°14'29" W (NAD 83).
5.2 Hampton Beach Fireworks	Event Type: Fireworks display. Sponsor: Hampton Beach Village District. Dates: Every Wednesday, Saturday and Sunday from May 5, 2010 through September 29, 2010, as specified in the USCG District 1 Local Notice to Mariners at: http://www.navcen.uscg.gov/LNM/default.htm . Enforcement Time: 8 pm to 10:30 pm. Location: In the vicinity of the Hampton Beach, New Hampshire waterfront in approximate position 42°54'33" N, 070°48'38" W (NAD 83).
5.3 Tall Ships Visiting Portsmouth	Event Type: Regatta and boat parade. Sponsor: Portsmouth Maritime Commission, Inc. Date: May 28 through May 31, 2010 Enforcement Time: 10 am to 7 pm. Location: The regulated area includes all waters of Portsmouth Harbor, New Hampshire within the following points (NAD 83): 43°03'11" N 070°42'26" W 43°03'18" N 070°41'51" W 43°04'42" N 070°42'11" W 43°04'28" N 070°44'12" W 43°05'36" N 070°45'56" W 43°05'29" N 070°46'09" W 43°04'19" N 070°44'16" W 43°04'22" N 070°42'33" W
6.0	JUNE
6.1 Bar Harbor Blessing of the Fleet	Event Type: Regatta and boat parade. Sponsor: Town of Bar Harbor, Maine. Date: June 6, 2010. Enforcement Time: 12 pm to 1:30 pm. Location: The regulated area includes all waters of Bar Harbor, Maine within the following points (NAD 83): 44°23'32" N 068°12'19" W 44°23'30" N 068°12'00" W 44°23'37" N 068°12'00" W 44°23'35" N 068°12'19" W
6.2 Boothbay Harbor Lobster Boat Races	Event Type: Power boat race. Sponsor: Boothbay Harbor Lobster Boat Race Committee. Date: June 19, 2010. Enforcement Time: 10 am to 3 pm. Location: The regulated area includes all waters of Boothbay Harbor, Maine within the following points (NAD 83):

EVENTS TABLE—Continued

5.0	MAY
	43°50'04" N 069°38'37" W 43°50'54" N 069°38'06" W 43°50'49" N 069°37'50" W 43°50'00" N 069°38'20" W
6.3 Rockland Harbor Lobster Boat Races	Event Type: Power boat race. Sponsor: Rockland Harbor Lobster Boat Race Committee. Date: June 20, 2010. Enforcement Time: 10 am to 3 pm. Location: The regulated area includes all waters of Rockland Harbor, Maine within the following points (NAD 83): 44°05'59" N 069°04'53" W 44°06'43" N 069°05'25" W 44°06'50" N 069°05'05" W 44°06'05" N 069°04'34" W
6.4 Windjammer Days Parade of Ships ...	Event Type: Regatta and boat parade. Sponsor: Boothbay Region Chamber of Commerce. Date: June 22 & 23, 2010. Enforcement Time: 12 pm to 5 pm. Location: The regulated area includes all waters of Boothbay Harbor, Maine within the following points (NAD 83): 43°51'02" N 069°37'33" W 43°50'47" N 069°37'31" W 43°50'23" N 069°37'57" W 43°50'01" N 069°37'45" W 43°50'01" N 069°38'31" W 43°50'25" N 069°38'25" W 43°50'49" N 069°37'45" W
6.5 Windjammer Days Fireworks	Event Type: Fireworks display. Sponsor: Boothbay Harbor Region Chamber of Commerce. Date: June 23, 2010. Enforcement Time: 8 pm to 10:30 pm. Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position 43°50'38" N, 069°37'57" W (NAD 83).

(b) *Notification.* Coast Guard Sector Northern New England will cause notice of the enforcement of these temporary safety zones to be made by all appropriate means to affect the widest publicity among the effected segments of the public, including publication in the Local Notice to Mariners and Broadcast Notice to Mariners.

(c) *Effective period.* This rule is effective from 10 a.m. on May 1, 2010, through 11:59 p.m. on September 29, 2010.

(d) *Enforcement period.* This section will be enforced for the duration of each event indicated in the table in paragraph (a)(2) of this section. If the event is cancelled due to inclement weather, this section is in effect for the day following the scheduled time listed in the table above. Notification of events held on a rain date will be made by Broadcast Notice to Mariners.

(e) *Regulations.* (1) The general regulations contained in 33 CFR 165.23

apply. During the enforcement period, entry into, transiting, remaining within, mooring or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) These temporary safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port or his designated representatives. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port or his designated representatives. Vessels that are granted permission by the Captain of the Port or designated representative to enter or remain within a safety zone may be required to be at anchor or moored to a waterfront facility such that the vessel's location will not interfere with the progress of the event. At all times when a vessel has been granted permission to enter within a safety zone, it shall endeavor to

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maintain at least 50 yards distance from any event participant unless otherwise directed.

(3) The “designated representative” is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The designated representative will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zones shall telephone the Captain of the Port at 207-767-0303, or his designated representative via VHF Channel 16 to obtain permission to do so.

(5) The Captain of the Port or his designated representative may delay or terminate any event listed in the events table in paragraph (a)(2) of this section to ensure safety. Such action may be required as a result of weather, vessel traffic density, spectator activities or participant behavior.

EFFECTIVE DATE NOTE: By USCG-2010-0239, 75 FR 25768, May 10, 2010, temporary §165.T01-0239 was added, effective May 10, 2010 through 11:59 p.m. on Sept. 29, 2010.

§ 165.T01-0315 Safety zones; Marine Events within the Captain of the Port Sector Northern New England Area of Responsibility, July through September.

(a) *Safety zones.* The following areas are designated safety zones:

Locations. The locations for each safety zone are provided in the below EVENTS TABLE. For all events listed in the EVENTS TABLE below, the safety zones for firework displays includes all navigable waters within a 350 yard radius of the fireworks launch site; for all swim events listed in the Events Table, a 200 foot radius around all participants; for all regattas, power boat races, row and paddle boat races, and parades listed in the EVENTS TABLE below, all navigable waters within a 50 yard radius around all vessels participating in the event.

EVENTS TABLE

7.0	July
7.1 Burlington Independence Day Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: City of Burlington, VT. • Date: July 3, 2010. • Time: 8 pm to 10:30 pm. • Location: From a barge in the vicinity of Burlington Harbor, Burlington, Vermont in approximate position 44°28'30" N, 073°13'31" W (NAD 83).
7.2 Town of Islesboro Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of Islesboro, Maine. • Date: July 3, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of Grindle Point, Islesboro, Maine in approximate position 44°16'52" N, 068°56'24" W (NAD 83).
7.3 The Great Race	<ul style="list-style-type: none"> • Event Type: Row and Paddle Boat Race. • Sponsor: The Great Race Committee. • Date: July 4, 2010. • Time: 10 am to 12:30 pm. • Location: The regulated area includes all waters of Lake Champlain in the vicinity of Saint Albans Bay in St. Albans, Vermont within the following points (NAD 83): 44°47'18" N, 073°10'27" W. 44°47'10" N, 073°08'51" W.
7.4 Moosabec Lobster Boat Races	<ul style="list-style-type: none"> • Event Type: Power Boat Race. • Sponsor: Moosabec Boat Race Committee. • Date: July 4, 2010. • Time: 10 am to 3 pm. • Location: The regulated area includes all waters of Jonesport, Maine within the following points (NAD 83): 44°31'21" N, 067°36'44" W. 44°31'36" N, 067°36'47" W. 44°31'44" N, 067°35'36" W. 44°31'29" N, 067°35'33" W.
7.5 Bangor 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Bangor 4th of July Fireworks. • Date: July 4, 2010.

EVENTS TABLE—Continued

7.0	July
	<ul style="list-style-type: none"> • Time: 8 pm to 10:30 pm. • Location: In the vicinity of the Bangor Waterfront, Bangor, Maine in approximate position 44°47'27" N, 068°46'31" W (NAD 83).
7.6 Bar Harbor 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Bar Harbor Chamber of Commerce. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of Bar Harbor Town Pier, Bar Harbor, Maine in approximate position 44°23'30" N, 068°2'16" W (NAD 83).
7.7 Bath 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Main Street Bath. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of Reed and Reed Boat Yard, Woolwich, Maine in approximate position 43°54'56" N, 069°48'16" W (NAD 83).
7.8 Boothbay Harbor 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of Boothbay Harbor. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position 43°50'38" N, 069°37'57" W (NAD 83).
7.9 Castine 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Castine Fire Department. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm. • Location: From a float in the vicinity of Castine Harbor, Castine, Maine in approximate position 44°23'11" N, 068°47'39" W (NAD 83).
7.10 Colchester 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of Colchester Recreation Department. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of Bayside Beach and Mallets Bay in Colchester, Vermont at approximate position 44°54'51" N, 073°21'54" W (NAD 83).
7.11 Eastport 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Eastport 4th of July Committee. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm. • Location: From the Waterfront Public Pier in Eastport, Maine at approximate position 44°54'25" N, 066°58'55" W (NAD 83).
7.12 Portland Harbor 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Department of Parks and Recreation, Portland, Maine. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of East End Beach, Portland, Maine in approximate position 43°40'11" N, 070°14'29" W (NAD 83).
7.13 St. Albans Day Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: St. Albans Town Recreation Department. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm. • Location: From the St. Albans Bay dock in St. Albans, Vermont in approximate position 44°48'25" N, 073°08'23" W (NAD 83).
7.14 Stonington 4th of July Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Deer Isle—Stonington Chamber of Commerce. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of Two Bush Island, Stonington, Maine in approximate position 44°08'57" N, 068°39'54" W (NAD 83).
7.15 Windjammer Days Fireworks (Rain Date)	<ul style="list-style-type: none"> • Event Type: Fireworks display. • Sponsor: Boothbay Harbor Region Chamber of Commerce. • Date: July 4, 2010. • Time: 8 pm to 10:30 pm.

EVENTS TABLE—Continued

7.0	July
	<ul style="list-style-type: none"> Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position 43°50'38" N, 069°37'57" W (NAD 83).
7.16 Bath Heritage Days Fireworks	<ul style="list-style-type: none"> Event Type: Fireworks Display. Sponsor: Main Street Bath. Date: July 5, 2010. Time: 8 pm to 10:30 pm. Location: In the vicinity of Reed and Reed Boat Yard, Woolwich, Maine in approximate position 43°54'56" N, 069°48'16" W (NAD 83).
7.17 Festival of Lights Boat Parade	<ul style="list-style-type: none"> Event Type: Regatta and Boat Parade. Sponsor: Plattsburgh Sunrise Rotary. Date: July 8, 2010. Time: 7 pm to 11:30 pm. Location: The regulated area includes all waters of Cumberland Bay on Lake Champlain in the vicinity of Plattsburgh, New York within the following points (NAD 83): <ul style="list-style-type: none"> 44°43'10" N, 073°25'50" W. 44°42'01" N, 073°25'59" W. 44°40'57" N, 073°26'05" W. 44°40'49" N, 073°26'27" W.
7.18 Searsport Lobster Boat Races	<ul style="list-style-type: none"> Event Type: Power Boat Race. Sponsor: Searsport Lobster Boat Race Committee. Date: July 10, 2010. Time: 10 am to 3 pm. Location: The regulated area includes all waters of Searsport Harbor, Maine within the following points (NAD 83): <ul style="list-style-type: none"> 44°26'50" N, 068°55'20" W. 44°27'04" N, 068°55'26" W. 44°27'12" N, 068°54'35" W. 44°26'59" N, 068°54'29" W.
7.19 Urban/EPIC Triathlon	<ul style="list-style-type: none"> Event Type: Swim. Sponsor: Tri-Maine Productions. Date: July 10, 2010. Time: 7 am to 11 am. Location: The regulated area includes all waters of Portland Harbor in the vicinity of East End Beach in Portland, Maine within the following points (NAD 83): <ul style="list-style-type: none"> 43°40'00" N, 070°14'20" W. 43°40'00" N, 070°14'00" W. 43°40'15" N, 070°14'29" W. 43°40'17" N, 070°13'22" W.
7.20 Mayor's Cup Regatta	<ul style="list-style-type: none"> Event Type: Regatta and Boat Parade. Sponsor: Plattsburgh Sunrise Rotary. Date: July 10, 2010. Time: 10 am to 4 pm. Location: The regulated area includes all waters of Cumberland Bay on Lake Champlain in the vicinity of Plattsburgh, New York within the following points (NAD 83): <ul style="list-style-type: none"> 44°39'26" N, 073°26'25" W. 44°41'27" N, 073°23'12" W.
7.21 Stonington Lobster Boat Races	<ul style="list-style-type: none"> Event Type: Power Boat Race. Sponsor: Stonington Lobster Boat Race Committee. Date: July 10, 2010. Time: 10 am to 3 pm. Location: The regulated area includes all waters of Stonington, Maine within the following points (NAD 83): <ul style="list-style-type: none"> 44°08'55" N, 068°40'12" W. 44°09'00" N, 068°40'15" W. 44°09'11" N, 068°39'42" W. 44°09'07" N, 068°39'39" W.
7.22 The Challenge Race	<ul style="list-style-type: none"> Event Type: Row and Paddle Boat Race. Sponsor: Lake Champlain Maritime Museum. Date: July 17, 2010. Time: 11 am to 3 pm. Location: The regulated area includes all waters of Lake Champlain in the vicinity of Button Bay State Park, Vergennes, Vermont within the following points (NAD 83):

EVENTS TABLE—Continued

7.0	July
	44°12'25" N, 073°22'32" W. 44°12'00" N, 073°21'42" W. 44°12'19" N, 073°21'25" W. 44°13'16" N, 073°21'36" W.
7.23 Tenants Harbor Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of St. George, Maine. • Date: July 17, 2010. • Time: 8 pm to 10:30 pm. • Location: From a barge in the vicinity of the inner harbor, Tenants Harbor, Maine in approximate position 43°57'40" N, 069°12'48" W (NAD 83).
7.24 Peaks to Portland Swim	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Cumberland County YMCA. • Date: July 24, 2010. • Time: 5 am to 1 pm. • Location: The regulated area includes all waters of Portland Harbor between Peaks Island and East End Beach in Portland, Maine within the following points (NAD 83): 43°39'20" N, 070°11'58" W. 43°39'45" N, 070°13'19" W. 43°40'11" N, 070°14'13" W. 43°40'08" N, 070°14'29" W. 43°40'00" N, 070°14'23" W. 43°39'34" N, 070°13'31" W. 43°39'13" N, 070°11'59" W.
7.25 Friendship Lobster Boat Races	<ul style="list-style-type: none"> • Event Type: Power Boat Race. • Sponsor: Friendship Lobster Boat Race Committee. • Date: July 24, 2010. • Time: 9:30 am to 3 pm. • Location: The regulated area includes all waters of Friendship Harbor, Maine within the following points (NAD 83): 43°57'51" N, 069°20'46" W. 43°58'14" N, 069°19'53" W. 43°58'19" N, 069°20'01" W. 43°58'00" N, 069°20'46" W.
7.26 Arthur Martin Memorial Regatta	<ul style="list-style-type: none"> • Event Type: Row and Paddle Boat Race. • Sponsor: I Row. • Date: July 24, 2010. • Time: 10 am to 12 pm. • Location: The regulated area includes all waters of the Piscataqua River, in the vicinity of Kittery Point, Maine within the following points (NAD 83): 43°03'51" N, 070°41'55" W. 43°04'35" N, 070°42'18" W. 43°04'42" N, 070°43'15" W. 43°05'14" N, 070°43'12" W. 43°05'14" N, 070°43'06" W. 43°04'44" N, 070°43'11" W. 43°04'35" N, 070°42'13" W. 43°03'53" N, 070°41'40" W.
7.27 Harpswell Lobster Boat Races	<ul style="list-style-type: none"> • Event Type: Power Boat Race. • Sponsor: Harpswell Lobster Boat Race Committee. • Date: July 25, 2010. • Time: 10 am to 3 pm. • Location: The regulated area includes all waters of Potts Harbor, Maine within the following points (NAD 83): 43°43'55" N, 070°02'36" W. 43°44'23" N, 070°02'14" W. 43°44'16" N, 070°01'51" W. 43°43'48" N, 070°02'24" W.
8.0	August
8.1 Southport Rowgatta Row Boat Race	<ul style="list-style-type: none"> • Event Type: Row and Paddle Boat Race. • Sponsor: Boothbay Region YMCA. • Date: August 4, 2010. • Time: 8 am to 3 pm. • Location: The regulated area includes all waters of Sheepscot Bay and Booth Bay, on the shore side of Southport Island, Maine within the following points (NAD 83):

8.0	August
	43°50'26" N, 069°39'10" W. 43°49'10" N, 069°38'35" W. 43°46'53" N, 069°39'06" W. 43°46'50" N, 069°39'32" W. 43°49'07" N, 069°41'43" W. 43°50'19" N, 069°41'14" W. 43°51'11" N, 069°40'06" W.
8.2 Westerlund's Landing Party Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Portside Marina. • Date: August 7, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of Westerlund's Landing in South Gardiner, Maine in approximate position 44°10'19" N, 069°45'24" W (NAD 83).
8.3 Rockland Lobster Festival Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Rockland Festival Committee. • Date: August 7, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of Rockland Ferry Terminal, Rockland, Maine in approximate position 44°06'19" N, 069°06'06" W (NAD 83).
8.4 Eggemoggin Reach Regatta	<ul style="list-style-type: none"> • Event Type: Regatta and Boat Parade. • Sponsor: Rockport Marine, Inc. and Brookline Boat Yard. • Date: August 7, 2010. • Time: 11 am to 7 pm. • Location: The regulated area includes all waters of Eggemoggin Reach and Jericho Bay in the vicinity of Naskeag Harbor, Maine within the following points (NAD 83): 44°15'16" N, 068°36'26" W. 44°12'41" N, 068°29'26" W. 44°07'38" N, 068°31'30" W. 44°12'54" N, 068°33'46" W.
8.5 Sprucewold Cabbage Island Swim	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Sprucewold Association. • Date: August 7, 2010. • Time: 1 pm to 6 pm. • Location: The regulated area includes all waters of Linekin Bay between Cabbage Island and Sprucewold Beach in Boothbay Harbor, Maine within the following points (NAD 83): 43°50'37" N, 069°36'23" W. 43°50'37" N, 069°36'59" W. 43°50'16" N, 069°36'46" W. 43°50'22" N, 069°36'21" W.
8.6 Y-Tri Triathlon	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Plattsburgh YMCA. • Date: August 7, 2010. • Time: 9 am to 10 am. • Location: The regulated area includes all waters of Treadwell Bay in the vicinity of Point Au Roche State Park, Plattsburgh, New York within the following points (NAD 83): 44°46'30" N, 073°23'26" W. 44°46'17" N, 073°23'26" W. 44°46'17" N, 073°23'46" W. 44°46'29" N, 073°23'46" W.
8.7 Lake Champlain Dragon Boat Festival	<ul style="list-style-type: none"> • Event Type: Row and Paddle Boat Race. • Sponsor: Dragonheart Vermont. • Date: August 8, 2010. • Time: 7 am to 5 pm. • Location: The regulated area includes all waters of Burlington Bay within the following points (NAD 83): 44°28'51" N, 073°13'28" W. 44°28'40" N, 073°13'40" W. 44°28'37" N, 073°13'29" W. 44°28'40" N, 073°13'17" W.
8.8 Monhegan Island Race	<ul style="list-style-type: none"> • Event Type: Regatta and Boat Race. • Sponsor: Portland Yacht Club. • Date: August 12, 2010 through August 15, 2010. • Time: 11 am on day one until 10 am on day three.

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8.0	August
	<ul style="list-style-type: none"> Location: The regulated area for the start of the race includes all waters of Casco Bay, Maine in the vicinity of Long Island within the following points (NAD 83): <ul style="list-style-type: none"> 43°41'55" N, 070°11'05" W. 43°41'55" N, 070°09'32" W. 43°42'53" N, 070°09'32" W. 43°42'53" N, 070°11'05" W.
8.9 Greater Burlington YMCA Lake Swim	<ul style="list-style-type: none"> Event Type: Swim. Sponsor: Greater Burlington YMCA. Date: August 14, 2010. Time: 8 am to 6 pm. Location: The regulated area includes all waters in Lake Champlain in the vicinity of North Hero Island within the following points (NAD 83): <ul style="list-style-type: none"> 44°46'55" N, 073°22'14" W. 44°47'08" N, 073°19'05" W. 44°46'48" N, 073°17'13" W. 44°46'09" N, 073°16'39" W. 44°41'08" N, 073°20'58" W. 44°41'36" N, 073°23'01" W.
8.10 Winter Harbor Lobster Boat Races	<ul style="list-style-type: none"> Event Type: Power Boat Race. Sponsor: Winter Harbor Chamber of Commerce. Date: August 14, 2010. Time: 10 am to 3 pm. Location: The regulated area includes all waters of Winter Harbor, Maine within the following points (NAD 83): <ul style="list-style-type: none"> 44°22'06" N, 068°05'13" W. 44°23'06" N, 068°05'08" W. 44°23'04" N, 068°04'37" W. 44°22'05" N, 068°04'44" W.
8.11 Lake Champlain Antique Boat Show	<ul style="list-style-type: none"> Event Type: Regatta and Boat Parade. Sponsor: Lake Champlain Antique and Classic Boat Society. Date: August 14, 2010. Time: 5 pm to 6 pm. Location: The regulated area includes all waters of Burlington Bay within the following points (NAD 83): <ul style="list-style-type: none"> 44°28'51" N, 073°13'28" W. 44°28'40" N, 073°13'36" W. 44°28'33" N, 073°13'31" W. 44°28'33" N, 073°13'18" W.
8.12 Tri for a Cure Triathlon	<ul style="list-style-type: none"> Event Type: Swim. Sponsor: Maine Cancer Foundation. Date: August 15, 2010. Time: 8 am to 2 pm. Location: The regulated area includes all waters of Portland Harbor, Maine in the vicinity of Spring Point Light within the following points (NAD 83): <ul style="list-style-type: none"> 43°39'01" N, 070°13'32" W. 43°39'07" N, 070°13'29" W. 43°39'06" N, 070°13'41" W. 43°39'01" N, 070°13'36" W.
8.13 Merritt Brackett Lobster Boat Races	<ul style="list-style-type: none"> Event Type: Power Boat Race. Sponsor: Town of Bristol, Maine. Date: August 15, 2010. Time: 10 am to 3 pm. Location: The regulated area includes all waters of Pemaquid Harbor, Maine within the following points (NAD 83): <ul style="list-style-type: none"> 43°52'16" N, 069°32'10" W. 43°52'41" N, 069°31'43" W. 43°52'35" N, 069°31'29" W. 43°52'09" N, 069°31'56" W.
8.14 MS Poker Run	<ul style="list-style-type: none"> Event Type: Regatta and Boat Parade. Sponsor: Maine Chapter, Multiple Sclerosis Society. Date: August 21, 2010. Time: 11 am to 2 pm. Location: The regulated area for the start of the race includes all waters of Casco Bay, Maine in the vicinity of Little Diamond Island and Fort Gorges within the following points (NAD 83): <ul style="list-style-type: none"> 43°39'40" N, 070°13'24" W.

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8.0	August
	<p>43°39'33" N, 070°13'24" W. 43°39'33" N, 070°13'13" W. 43°39'40" N, 070°13'13" W.</p>
8.15 Come Boating! Row Regatta	<ul style="list-style-type: none"> • Event Type: Row and Paddle Boat Race. • Sponsor: Come Boating! • Date: August 21, 2010. • Time: 9:30 am to 4 pm. • Location: The regulated area includes all waters of Belfast Bay, in the vicinity of Belfast, Maine within the following points (NAD 83): 44°25'50" N, 069°00'00" W. 44°25'14" N, 068°58'08" W. 44°25'03" N, 068°58'16" W. 44°25'43" N, 068°00'13" W.
8.16 MS Regatta	<ul style="list-style-type: none"> • Event Type: Regatta and Sailboat Race. • Sponsor: Maine Chapter, Multiple Sclerosis Society. • Date: August 21, 2010. • Time: 10 am to 4 pm. • Location: The regulated area for the start of the race includes all waters of Casco Bay, Maine in the vicinity of Peaks Island within the following points (NAD 83): 43°40'24" N, 070°14'20" W. 43°40'36" N, 070°13'56" W. 43°39'58" N, 070°13'21" W. 43°39'46" N, 070°13'51" W.
8.17 Maine Retired Skippers Race	<ul style="list-style-type: none"> • Event Type: Regatta and Boat Race. • Sponsor: Maine Retired Skippers Race Committee. • Date: August 21, 2010. • Time: 12 pm to 6 pm. • Location: The regulated area for the start of the race includes all waters of Castine Harbor, Maine in the vicinity of Dice Head within the following points (NAD 83): 44°22'52" N, 068°49'23" W. 44°22'52" N, 068°48'39" W. 44°22'32" N, 068°48'39" W. 44°22'32" N, 068°49'23" W.
8.18 Tour Di Verona	<ul style="list-style-type: none"> • Event Type: Row and Paddle Boat Race. • Sponsor: Baldwin Boat Co. • Date: August 21, 2010. • Time: 12 pm to 3 pm. • Location: The regulated area includes all waters of the Penobscot River, on the shore side of Verona Island, Maine within the following points (NAD 83): 44°34'10" N, 068°47'30" W. 44°33'14" N, 068°48'21" W. 44°31'33" N, 068°48'06" W. 44°30'02" N, 068°46'54" W. 44°30'34" N, 068°45'38" W. 44°31'58" N, 068°45'27" W. 44°32'42" N, 068°46'05" W. 44°33'58" N, 068°46'35" W.
8.19 MS Harborfest Tugboat Muster	<ul style="list-style-type: none"> • Event Type: Power Boat Race. • Sponsor: Maine Chapter, National Multiple Sclerosis Society. • Date: August 22, 2010. • Time: 10 am to 3 pm. • Location: The regulated area includes all waters of Portland Harbor, Maine within the following points (NAD 83): 43°40'24" N, 070°14'20" W. 43°40'36" N, 070°13'56" W. 43°39'58" N, 070°13'21" W. 43°39'46" N, 070°13'51" W.
8.20 Rockland Breakwater Swim	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Pen-Bay Masters. • Date: August 28, 2010. • Time: 8:30 am to 12:30 pm. • Location: The regulated area includes all waters of Rockland Harbor, Maine in the vicinity of Jameson Point within the following points (NAD 83): 44°06'15" N, 069°04'38" W.

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8.0	August
	44°06'13" N, 069°04'36" W. 44°06'12" N, 069°04'43" W. 44°06'17" N, 069°04'44" W. 44°06'17" N, 069°04'40" W.
9.0	September
9.1 Windjammer Weekend Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Town of Camden, Maine. • Date: September 3, 2010. • Time: 8 pm to 10:30 pm. • Location: From a barge in the vicinity of Northeast Point, Camden Harbor, Maine in approximate position 44°12'32" N, 069°02'58" W (NAD 83).
9.2 Windjammer Weekend	<ul style="list-style-type: none"> • Event Type: Regatta and Boat Parade. • Sponsor: Windjammer Weekend Committee. • Date: September 4, 2010 through September 6, 2010. • Time: 9 am to 10 pm. • Location: The regulated area includes all waters in Camden Harbor, Camden, Maine within the following points (NAD 83): 44°12'13" N, 069°03'18" W. 44°12'33" N, 069°02'47" W.
9.3 The Lobsterman Triathlon	<ul style="list-style-type: none"> • Event Type: Swim. • Sponsor: Tri-Maine Productions. • Date: September 18, 2010. • Time: 8 am to 10 am. • Location: The regulated area includes all waters in the vicinity of Winslow Park in South Freeport, Maine within the following points (NAD 83): 43°47'59" N, 070°06'56" W. 43°47'44" N, 070°06'56" W. 43°47'44" N, 070°07'27" W. 43°47'57" N, 070°07'27" W.
9.4 Eliot Festival Day Fireworks	<ul style="list-style-type: none"> • Event Type: Fireworks Display. • Sponsor: Eliot Festival Day Committee. • Date: September 25, 2010. • Time: 8 pm to 10:30 pm. • Location: In the vicinity of Eliot Town Boat Launch, Eliot, Maine in approximate position 43°08'56" N, 070°49'52" W (NAD 83).

(b) *Notification.* Coast Guard Sector Northern New England will cause notice of the enforcement of these temporary safety zones to be made by all appropriate means to affect the widest publicity among the effected segments of the public, including publication in the Local Notice to Mariners and Broadcast Notice to Mariners.

(c) *Effective period.* This rule is effective from 8 p.m. on July 3, 2010 through 11:59 p.m. on September 29, 2010.

(d) *Enforcement period.* This section will be enforced for the duration of each event indicated in the table above. If the event is cancelled due to inclement weather, this section is in effect for the day following the scheduled time listed in the table above or as indicated in the Local Notice to Mariners. Notification of events held on a rain date will be made by Broadcast Notice to Mariners.

(e) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply. During the enforcement period, entry into, transiting through, remaining, mooring or anchoring within these safety zones is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) These temporary safety zones are closed to all vessel traffic, except as may be permitted by the Captain of the Port or his designated representatives. Vessel operators given permission to enter or operate in the safety zones must comply with all directions given to them by the Captain of the Port or his designated representatives. Vessels that are granted permission to enter or remain within a safety zone may be required to be at anchor or moored to a waterfront facility such that the vessel's location will not interfere with the progress of the event. At all times

when a vessel has been granted permission to enter within a safety zone, it shall endeavor to maintain at least 50 yards distance from any event participant unless otherwise directed.

(3) The “designated representative” is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative may be on a Coast Guard vessel, a state or local law enforcement vessel, or other designated craft, or may be on shore and will communicate with vessels via VHF-FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(4) Vessel operators desiring to enter or operate within the safety zones shall request permission to do so by contacting the Captain of the Port Sector Northern New England at 207-767-0303, or via VHF Channel 16.

(5) The Captain of the Port or his designated representative may direct the delay, cancellation, or relocation of the specific area to be regulated within the generally described locations listed in the EVENTS TABLE above to ensure safety and compliance with environmental laws. Such changes in implementation of the safety zones may be required as a result of factors that could affect their associated marine events such as weather, vessel traffic density, spectator activities, participant behavior or potential environmental impacts.

EFFECTIVE DATE NOTE: By USCG-2010-0315, 75 FR 32285, June 8, 2010, temporary §165.T01-0315 was added, effective June 8, 2010 through 11:59 p.m. on Sept. 29, 2010.

§ 165.T01-0519 Safety zone; ship repair in Penobscot Bay, ME.

(a) *Location.* The following area is a safety zone: All waters within a 100 yard radius of the drill ship STENA FORTH while at anchor in Penobscot Bay, Maine, in approximate position: 44°06'54" N., 069°02'54" W., one mile northeast of Rockland Harbor Breakwater Light (LLNR 4130), and approximately one and a half miles north of Owl's Head, Maine.

(b) *Notification.* Coast Guard Sector Northern New England will cause no-

tice of the enforcement of this temporary safety zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the Local Notice to Mariners and Broadcast Notice to Mariners.

(c) *Effective period.* This safety zone is effective from 12:01 a.m. on June 15, 2010, until 11:59 p.m. on July 5, 2010.

(d) *Enforcement Period.* The safety zone in this section will be enforced while the drill ship STENA FORTH is at anchor in Penobscot Bay, Maine.

(e) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply. During the enforcement period, entry into, transiting, mooring, anchoring or remaining within this safety zone is prohibited unless authorized by the Captain of the Port or his designated representatives.

(2) This temporary safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port or his designated representative. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port or his designated representatives.

(3) The “designated representative” is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, or onboard a local or state agency vessel that is authorized to act in support of the Coast Guard. In addition, members of the Coast Guard Auxiliary or Cianbro repair crew may be present to inform vessel operators of this regulation.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port or his designated representative by telephone at 207-767-0303 or via VHF radio channel 16 to obtain permission to do so.

EFFECTIVE DATE NOTE: By USCG-2010-0519, 75 FR 35301, June 22, 2010, temporary §165.T01-0519 was added, effective June 22, 2010 through 11:59 p.m. on July 5, 2010.

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§ 165.T01-0542 Safety Zones: Neptune Deepwater Port, Atlantic Ocean, Boston, MA.

(a) *Location.* The following areas are safety zones: All navigable waters of the United States within a 500-meter radius of each of the two STL buoys of the Neptune Deepwater Port, marked on the surface of the water by several small, white buoys labeled LNG with red flags and radar-reflected buoys known as “Hi Flyers” located at approximate positions 42°29′12.3″ N, 070°36′29.7″ W and 42° 27′20.5″ N, 070°36′07.3″ W. [NAD83].

(b) *Notification.* Coast Guard Sector Boston will cause notice of the enforcement of this temporary safety zone to be made by all appropriate means to affect the widest publicity among the effected segments of the public, including publication in the Local Notice to Mariners and Broadcast Notice to Mariners.

(c) *Enforcement period.* This safety zone will be enforced at 12:01 a.m. Saturday June 12, 2010 until 11:59 p.m. December 31, 2010.

(d) *Definitions.* As used in this section:

Authorized representative means a Coast Guard commissioned, warrant, or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port Boston (COTP).

Deepwater port means any facility or structure meeting the definition of deepwater port in 33 CFR 148.5.

Support vessel means any vessel meeting the definition of support vessel in 33 CFR 148.5.

(e) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) In accordance with the general regulations entry into or movement within these safety zones is prohibited unless authorized by the Captain of the Port Boston. Liquefied Natural Gas Carrier vessels and related Support Vessels calling on the Neptune Deepwater Port are authorized to enter and move within the safety zones of this section in the normal course of their operations.

(3) All persons and vessels shall comply with the Coast Guard Captain of the Port or authorized representative.

(4) Upon being hailed by an authorized representative by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(5) Persons and vessels may contact the Coast Guard to request permission to enter the zone on VHF-FM Channel 16 or via phone at 617-223-5761.

[USCG-2010-0542, 75 FR 34932, June 21, 2010]

EFFECTIVE DATE NOTE: By USCG-2010-0542, 75 FR 34932, June 21, 2010, temporary §165.T01-0542 was added, effective June 21, 2010 until 11:59 p.m., Dec. 31, 2010.

§ 165.100 Regulated Navigation Area: Navigable waters within the First Coast Guard District.

(a) *Regulated navigation area.* All navigable waters of the United States, as that term is used in 33 CFR 2.36, within the geographic boundaries of the First Coast Guard District, as defined in 33 CFR 3.05-1(b).

(b) *Definitions.* Terms used in this section have the same meaning as those found in 33 CFR 157.03. Single-hull identifies any tank barge that is not a double-hull tank barge.

(c) *Applicability.* This section applies to primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo in the regulated navigation area, or as authorized by the District Commander.

(d) *Regulations—(1) Positive control for barges.* (i) Except as provided in paragraph (d)(1)(iii) and paragraph 5 of this section, each single hull tank barge, unless being towed by a primary towing vessel with twin-screw propulsion and with a separate system for power to each screw, must be accompanied by an escort tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—

- (A) A propulsion failure;
- (B) A parted towing line;
- (C) A loss of tow;
- (D) A fire;
- (E) Grounding;
- (F) A loss of steering; or

(G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in §161.2 of this Chapter.

(ii) Double-hull tank barges are exempt from paragraph (d)(1)(i) of this section.

(iii) The cognizant Captain of the Port (COTP), upon written application, may authorize an exemption from the requirements of paragraph (d)(1)(i) of this section for—

(A) Any tank barge with a capacity of less than 25,000 barrels, operating in an area with limited depth or width such as a creek or small river; or

(B) Any tank barge operating on any waters within the COTP Zone, if the operator demonstrates to the satisfaction of the COTP that the barge employs an equivalent level of safety to that provided by the positive control provisions of this section. Each request for an exemption under this paragraph must be submitted in writing to the cognizant COTP no later than 7 days before the intended transit.

(iv) The operator of a towing vessel engaged in towing any tank barge must immediately call for an escort or assist tug to render assistance in the event of any of the occurrences identified in paragraph (d)(1)(i) of this section.

(2) *Enhanced communications.* Each vessel engaged in towing a tank barge must communicate by radio on marine band or Very High Frequency (VHF) channel 13 or 16, and issue security calls on marine band or VHF channel 13 or 16, upon approach to the following places:

(i) Execution Rocks Light (USCG Light List No. [LLNR] 21440).

(ii) Matinecock Point Shoal Buoy (LLNR 21420).

(iii) 32A Buoy (LLNR 21380).

(iv) Cable and Anchor Reef Buoy (LLNR 21330).

(v) Stratford Middle Ground Light (LLNR 21260).

(vi) Old Field Point Light (LLNR 21275).

(vii) Approach to Stratford Point from the south (NOAA Chart 12370).

(viii) Falkner Island Light (LLNR 21170).

(ix) TE Buoy (LLNR 21160).

(x) CF Buoy (LLNR 21140).

(xi) PI Buoy (LLNR 21080).

(xii) Race Rock Light (LLNR 19815).

(xiii) Valiant Rock Buoy (LLNR 19825).

(xiv) Approach to Point Judith in vicinity of Block Island ferry route.

(xv) Buzzards Bay Entrance Light (LLNR 630).

(xvi) Buzzards Bay Midchannel Lighted Buoy (LLNR 16055)

(xvii) Cleveland East Ledge Light (LLNR 16085).

(xviii) Hog Island buoys 1 (LLNR 16130) and 2 (LLNR 16135).

(xix) Approach to the Bourne Bridge.

(xx) Approach to the Sagamore Bridge.

(xxi) Approach to the eastern entrance of Cape Cod Canal.

(3) *Voyage planning.* (i) Each owner or operator of a towing vessel employed to tow a tank barge shall prepare a written voyage plan for each transit of the tank barge.

(ii) The watch officer is authorized to make modifications to the plan and validate it as necessary.

(iii) Except as provided in paragraph (d)(3)(iv) of this section, each voyage plan must contain:

(A) A description of the type, volume, and grade of cargo.

(B) Applicable information from nautical charts and publications, including Coast Pilot, Coast Guard Light List, and Coast Guard Local Notice to Mariners, for the destination(s).

(C) Current and forecasted weather, including visibility, wind, and sea state for the destination(s).

(D) Data on tides and tidal currents for the destination(s).

(E) Forward and after drafts of the tank barge, and under-keel and vertical clearances for each port and berthing area.

(F) Pre-departure checklists.

(G) Calculated speed and estimated times of arrival at proposed waypoints.

(H) Communication contacts at Vessel Traffic Service (VTS) (if applicable), bridges, and facilities, and port-specific requirements for VHF radio.

(I) The master's standing orders detailing closest points of approach, special conditions, and critical maneuvers.

(iv) Each owner or operator of a tank barge on an intra-port transit of not more than four hours may prepare a voyage plan that contains:

(A) The information described in paragraphs (d)(3)(iii)(D) and (E) of this section.

(B) Current weather conditions including visibility, wind, and sea state. This information may be entered in either the voyage plan or towing vessel's log book.

(C) The channels of VHF radio to monitor.

(D) Other considerations such as availability of pilot, assist tug, berth, and line-handlers, depth of berth at mean low water, danger areas, and security calls.

(4) *Navigation restriction areas.* Unless authorized by the cognizant COTP, no tank barge may operate in—

(i) The waters of Cape Cod Bay south of latitude 42°5' North and east of longitude 70°25' West; or

(ii) The waters of Fishers Island Sound east of longitude 72°2' West, and west of longitude 71°55' West.

(5) *Special Buzzards Bay regulations.*

(i) For the purposes of this section, "Buzzards Bay" is the body of water east and north of a line drawn from the southern tangent of Sakonnet Point, Rhode Island, in approximate position latitude 41°-27.2' North, longitude 70°-11.7' West, to the Buzzards Bay Entrance Light in approximate position latitude 41°-23.5' North, longitude 71°-02.0' West, and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position latitude 41°-24.6' North, longitude 70°-57.0' West, and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford harbor within the confines (north) of the hurricane barrier, and the passages through the Elizabeth Islands, is not considered to be "Buzzards Bay".

(ii) *Additional positive control for barges.* Except as provided in paragraph (d)(1)(iii) of this section, each single hull tank barge transiting Buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must, in addition to its primary tug, be accompanied by an escort tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—

(A) A propulsion failure;

(B) A parted tow line;

(C) A loss of tow;

(D) A fire;

(E) Grounding;

(F) A loss of steering; or

(G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in §161.2 of this subchapter.

(iii) *Federal pilotage.* Each single hull tank barge transiting Buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must be under the direction and control of a pilot, who is not a member of the crew, operating under a valid, appropriately endorsed, Federal first class pilot's license issued by the Coast Guard ("federally licensed pilot"). Pilots are required to embark, direct, and control from the primary tug during transits of Buzzards Bay.

(iv) In addition to the vessels denoted in §161.16 of this chapter, requirements set forth in subpart B of 33 CFR part 161 also apply to any vessel transiting VMRS Buzzards Bay required to carry a bridge-to-bridge radiotelephone by part 26 of this chapter.

(A) A VMRS Buzzards Bay user must:

(1) Not enter or get underway in the area without first notifying the VMRS Center;

(2) Not enter VMRS Buzzards Bay if a Hazardous Vessel Operating Condition or circumstance per §161.2 of this Subchapter exists;

(3) If towing astern, do so with as short a hawser as safety and good seamanship permits;

(4) Not meet, cross, or overtake any other VMRS user in the area without first notifying the VMRS center;

(5) Before meeting, crossing, or overtaking any other VMRS user in the area, communicate on the designated vessel bridge-to-bridge radiotelephone frequency, intended navigation movements, and any other information necessary in order to make safe passing arrangements. This requirement does not relieve a vessel of any duty prescribed by the International Regulations for Prevention of Collisions at Sea, 1972 (33 U.S.C. 1602(c)) or the Inland Navigation Rules (33 U.S.C. 2005).

(B) [Reserved]

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(e) In addition to the authority for this part 165, this section is also authorized under authority of section 311, Pub. L. 105-383.

[CGD1-98-151, 63 FR 71770, Dec. 30, 1998, as amended by CGD01-98-151, 64 FR 12749, Mar. 15, 1999; USCG-1999-5832, 64 FR 34715, June 29, 1999; CGD01-98-151, 65 FR 35838, June 6, 2000; CGD01-04-133, 72 FR 50058, Aug. 30, 2007; 72 FR 70780, Dec. 13, 2007; USCG-2008-0179, 73 FR 35016, June 19, 2008]

§ 165.101 Kittery, Maine—regulated navigation area.

(a) The following is a regulated navigation area—Waters within the boundaries of a line beginning at 43°04'50" N, 70°44'52" W; then to 43°04'52" N, 70°44'53" W; then to 43°04'59" N, 70°44'46" W; then to 43°05'05" N, 70°44'32" W; then to 43°05'03" N, 70°44'30" W; then to the beginning point.

(b) *Regulations.* No vessel may operate in this area at a speed in excess of five miles per hour.

§ 165.102 Security Zone: Walkers Point, Kennebunkport ME.

(a) *Location.* The following area is a security zone: From point of land located on Cape Arundel at latitude 43°20.4' North, longitude 070°28.0' West; thence to a point approximately 500 yards southwest of Walkers Point located at latitude 43°20.2' North, longitude 070°27.9' West; thence to a point located approximately 500 yards south of Walkers Point at latitude 43°20.1' North, longitude 070°27.6' West; thence to a point located approximately southeast of Walkers Point at latitude 43°20.4' North, longitude 070°27.2' West; thence to an unnamed point of land located at 43°20.9' North, longitude 070°27.1' West; thence along the shoreline of Walkers Point to the beginning point. The aforementioned offshore positions are approximated by white buoys marked in orange indicating an exclusionary area.

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine. Section 165.33 also contained other general requirements.

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(2) No person may swim upon or below the surface of the water within the boundaries of this security zone.

[CGDI 89-008, 54 FR 13883, Apr. 6, 1989]

§ 165.103 Safety and Security Zones; LPG Vessel Transits in Portland, Maine, Captain of the Port Zone, Portsmouth Harbor, Portsmouth, New Hampshire.

(a) *Location.* The following areas are safety and security zones: (1) Except as provided in paragraph (a) (2) of this section, all navigable waters of the Portland, Maine, Captain of the Port zone, as defined in 33 CFR 3.05-15, one mile ahead, one half mile astern, and 1000-yards on either side of any Liquefied Petroleum Gas vessel.

(2) All waters of the Piscataqua River within a 500-yard radius of any Liquefied Petroleum Gas (LPG) vessel while it is moored at the LPG receiving facility on the Piscataqua River, Newington, New Hampshire.

(b) *Definitions.* For purposes of this section, navigable waters of the United States includes all waters of the territorial sea as described in Presidential Proclamation No. 5928 of December 27, 1988. Presidential Proclamation No. 5928 of December 27, 1988 declared that the territorial sea of the United States extends to 12 nautical miles from the baseline of the United States.

(c) *Regulations.* (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless previously authorized by the Captain of the Port (COTP), Portland, Maine.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the Captain of the Port.

(3) No person may swim upon or below the surface of the water within the boundaries of the safety and security zones unless previously authorized

by the Captain of the Port, Portland, Maine or his authorized patrol representative.

(d) The Captain of the Port will notify the maritime community and local agencies of periods during which these safety and security zones will be in effect by providing notice of arrivals and departures of LPG vessels via the telephone and/or Marine Safety Information Radio Broadcasts.

[CGD01-02-045, 67 FR 56487, Sept. 4, 2002]

§ 165.104 Safety Zone: Vessel Launches, Bath Iron Works, Kennebec River, Bath, Maine.

(a) *Location.* The following is a safety zone: all waters of the Kennebec River within a 150-yard radius of the Bath Iron Works dry dock while it is being moved to and from its moored position at the Bath Iron Works Facility in Bath, Maine to a deployed position in the Kennebec River, and while launching or recovering vessels.

(b) *Regulations.* (1) In accordance with the general regulations in §165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U. S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state and federal law enforcement vessels.

(c) *Notifications.* The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice via Marine Safety Information Radio Broadcasts.

[CGD01-01-155, 67 FR 49582, July 31, 2002]

§ 165.105 Security Zones; Passenger Vessels, Portland, Maine, Captain of the Port Zone.

(a) *Definition.* “Passenger vessel” as used in this section means a passenger vessel over 100 gross tons authorized to carry more than 500 passengers for hire making voyages, any part of which is on the high seas, and for which passengers are embarked, disembarked or

pay a port call, in the Portland, Maine, Captain of the Port zone as delineated in 33 CFR 3.05-15.

(b) *Location.* The following areas are security zones:

(1) All navigable waters within the Portland, Maine, Captain of the Port Zone, extending from the surface to the sea floor, within a 100-yard radius of any passenger vessel that is anchored, moored, or in the process of mooring.

(2) All navigable waters, within the Portland, Maine, Captain of the Port Zone, extending from the surface to the sea floor, extending 200 yards ahead, and 100 yards aside and astern of any passenger vessel that is underway.

(c) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or movement within these zones is prohibited unless previously authorized by the Coast Guard Captain of the Port, Portland, Maine (COTP) or his designated representative.

(2) All persons and vessels must comply with the instructions of the COTP or the designated on-scene Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state and federal law enforcement vessels. Emergency response vessels are authorized to move within the zone, but must abide by restrictions imposed by the COTP or his designated representative.

(3) No person may swim upon or below the surface of the water within the boundaries of these security zones unless previously authorized by the COTP or his designated representative.

(d) *Enforcement.* The Captain of the Port will enforce these zones and may enlist the aid and cooperation of any Federal, state, county, municipal, or private agency to assist in the enforcement of the regulation.

[CGD01-03-001, 68 FR 22305, Apr. 28, 2003]

§ 165.106 Security Zone: Seabrook Nuclear Power Plant, Seabrook, New Hampshire.

(a) *Location.* The following area is a security zone: All land and waters within 250 yards of the waterside property boundary of Seabrook Nuclear

Power Plant identified as follows: beginning at position 42°53'58" N, 070°51'06" W then running along the property boundaries of Seabrook Nuclear Power Plant to position 42°53'46" N, 070°51'06" W. All coordinates reference 1983 North American Datum (NAD 83).

(b) *Regulations.* (1) In accordance with the general regulations in §165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port, Portland, Maine (COTP).

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port, Portland, Maine or designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state and federal law enforcement vessels.

(3) No person may swim upon or below the surface of the water within the boundaries of this security zone.

[CGD01–02–092, 67 FR 64815, Oct. 22, 2002]

§ 165.110 Safety and Security Zone; Liquefied Natural Gas Carrier Transits and Anchorage Operations, Boston, Massachusetts.

(a) *Definitions.* As used in this section—

Authorized representative means a Coast Guard commissioned, warrant, or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port (COTP) Boston.

Deepwater port means any facility or structure meeting the definition of deepwater port in 33 CFR 148.5.

Support vessel means any vessel meeting the definition of support vessel in 33 CFR 148.5.

(b) *Location.* The following areas are safety and security zones:

(1) *Vessels underway.* All navigable waters of the United States within the Captain of the Port (COTP) Boston zone, as defined in 33 CFR 3.05–10, two miles ahead and one mile astern, and 500 yards on each side of any liquefied natural gas carrier (LNGC) vessel while underway.

(2) *Vessels anchored in the Broad Sound.* All waters within a 500-yard ra-

dius of any anchored LNGC vessel located in the waters of Broad Sound bounded by a line starting at position 42 deg. 25' N, 070 deg. 58' W; then running southeast to position 42 deg. 22' N, 070 deg. 56' W; then running east to position 42 deg. 22' N, 070 deg. 50' W; then running north to position 42 deg. 25' N, 070 deg. 50' W; then running west back to the starting point (NAD 83).

(3) *Vessels moored at the Distrigas LNG facility.* All waters within a 400-yard radius of any LNGC vessel moored at the Distrigas LNG facility in Everett, MA.

(4) *Vessels calling on a deepwater port.* All waters within a 500-meter radius of any LNGC engaged in regasification or transfer, or otherwise moored, anchored, or affixed to a deepwater port listed in 33 CFR 150.490 and falling within the waters of the Boston COTP Zone, as defined in 33 CFR 3.05–10.

(c) *Regulations.* (1) In accordance with the general regulations in Sec. 165.23 and Sec. 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston, or his/her authorized representative.

(2) No person or vessel may enter the waters within the boundaries of the safety and security zones described in paragraph (b) of this section unless previously authorized by the COTP Boston, or his/her authorized representative. However, LNGCs and support vessels, as defined in 33 CFR 148.5, operating in the vicinity of NEGDWP are authorized to enter and move within such zones in the normal course of their operations following the requirements set forth in 33 CFR 150.340 and 150.345, respectively.

(3) All vessels operating within the safety and security zones described in paragraph (b) of this section must comply with the instructions of the COTP or his/her authorized representative.

[CGD01–02–023, 67 FR 63263, Oct. 11, 2002, as amended by USCG–2007–0087, 73 FR 34194, June 17, 2008]

§ 165.111 Safety Zone: Boston Harbor, Boston, Massachusetts.

(a) The following areas are established as safety zones during the conditions specified:

(1) Around the U.S.S. *Constitution* or any accompanying parade vessels when

Constitution is under way—300 yards in all directions in the waters around the U.S.S. *Constitution* and each parade vessel accompanying *Constitution* whenever the U.S.S. *Constitution* is underway in Boston Harbor from the time such vessels depart their respective berths until the time they complete their transit and are safely moored.

(2) Whenever *Constitution* is moored at Pier 1, Charlestown Navy Yard—the waters between Hoosac Pier and Pier 1, Charlestown Navy Yard, from the imaginary line connecting the outer easternmost point protruding into Boston Harbor from Hoosac Pier to the outer westernmost point protruding into Boston Harbor from Pier 1, Charlestown Navy Yard, extending inbound along the face of both piers to the landside points where both piers end.

(3) Around the U.S.S. *Constitution*—fifty yards in all directions in the waters around *Constitution* when the vessel is moored at any Boston berthing location other than Pier 1, Charlestown Navy Yard.

(b) The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

[CGD1 91-109, 57 FR 30407, July 9, 1992]

§ 165.112 Safety Zone: USS CASSIN YOUNG, Boston, Massachusetts.

(a) *Location.* The following area is a safety zone:

Around the USS CASSIN YOUNG (DD-793) and any accompanying parade vessels when the USS CASSIN YOUNG is underway. The zone extends 100 yards in all directions in the waters around the USS CASSIN YOUNG and accompanying parade vessels whenever the USS CASSIN YOUNG is underway in Boston Harbor from the time the USS CASSIN YOUNG departs its berth until it is safely moored.

(b) *Regulations.* The general regulations governing safety zones as contained in 33 CFR 165.23 apply.

[CGD01-93-001, 58 FR 47991, Sept. 14, 1993]

§ 165.113 Security Zone: Dignitary arrival/departure Logan International Airport, Boston, MA

(a) *Location.* The permanent security zone consists of four sectors that may

be activated in part, or in whole, upon the request of the U.S. Secret Service. These zones are for the protection of the President or Vice President of the United States, as well as visiting heads of foreign states or foreign governments arriving at, or departing from, Logan International Airport and as determined by the transit route across Boston Harbor. The security zone will be as follows:

(1) Sector one will go into effect 15 minutes prior to the scheduled landing or takeoff of the aircraft carrying either the President, Vice President, or visiting heads of foreign states or foreign governments at Logan International Airport. Sector one will preclude all vessels from approaching within three hundred yards of the Logan International Airport shoreline, bound on the west by a line drawn between positions 42°22'45" N., 071°01'05" W. and 42°21'48" N., 071°01'45" W. (NAD) 1983).

(2) Sector two will go into effect 15 minutes before the vehicle carrying the President, Vice President, or visiting heads of foreign states or foreign governments enters the Callahan Tunnel or Sumner Tunnel. Sector two may preclude vessels, as necessary, from entering an area of the main ship channel, Boston Inner Harbor; fifty yards in all directions from a point directly above the Callahan Tunnel or Sumner Tunnel.

(3) Sector three will go into effect 15 minutes before the vehicle carrying the President, Vice President, or visiting heads of foreign states or foreign governments enters the Ted Williams Tunnel. Sector three may preclude vessels, as necessary, from entering an area of the main ship channel, Boston Inner Harbor, fifty yards in all directions from a point directly above the Ted Williams Tunnel.

(4) Sector four will go into effect 15 minutes before the President, Vice President, or visiting heads of foreign states or foreign governments board the designated transport vessel. Sector four will preclude all vessels from approaching within three hundred yards in all directions from the designated vessel transporting the President, Vice President, or visiting heads of foreign states or foreign governments between

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Logan International Airport and any location in Boston Harbor.

(5) The activation of a particular sector of this security zone will be announced via Safety Marine Information Broadcasts and/or by locally issued notices.

(b) *Regulations.* (1) The general regulations covering security zones contained in 33 CFR 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-97-004, 63 FR 16117, Apr. 2, 1998]

§ 165.114 Safety and Security Zones: Escorted Vessels—Boston Harbor, Massachusetts.

(a) *Location.* The following waters within the Boston Captain of the Port Zone, 1000 yards ahead and astern, and 100 yards on each side of any designated escorted vessel, are established as safety and security zones: All waters of Boston Inner Harbor, including the waters of the Mystic River, Chelsea River, and Reserved Channel west of a line running from Deer Island Light, at position 42°20'25" N, 070°57'15" W, to Long Island, at position 42°19'48" N, 070°57'15" W, and west of the Long Island Bridge, running from Long Island to Moon Head.

(b) *Escorted vessel definition.* For the purposes of this section, escorted vessels operating in Boston Harbor include the following: Any vessels deemed to be in need of escort protection by the Captain of the Port, Boston for security reasons.

(c) *Regulations.* (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include com-

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missioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

[CGD01-01-227, 67 FR 20912, Apr. 29, 2002, as amended by CGD01-01-227, 67 FR 63265, Oct. 11, 2002]

§ 165.115 Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts.

(a) *Location.* All waters of Cape Cod Bay and land adjacent to those waters enclosed by a line beginning at position 41°56'59.3" N, 070°34'58.5" W; thence to 1°57'12.2" N, 070°34'41.9" W; thence to 41°56'42.3" N, 070°34'00.1" W; thence to 41°56'29.5" N, 070°34'14.5" W.

(b) *Regulations.* (1) In accordance with the general regulations in §§165.23 and 165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

[CGD01-02-002, 67 FR 37693, May 30, 2002, as amended by USCG-2009-0311, 74 FR 50925, Oct. 2, 2009]

§ 165.116 Safety and Security Zones; Salem and Boston Harbors, Massachusetts.

(a) *Location.* The following areas are permanent safety and security zones:

(1) *Reserved Channel, Boston Harbor.* All waters of Boston Harbor within one hundred fifty (150) yards off the bow and stern and one hundred (100) yards abeam of any vessel moored at the Massachusetts Port Authority Black Falcon Terminal;

(2) *Boston Inner Harbor.* All waters of Boston Harbor within one hundred (100)

feet of the Coast Guard Integrated Support Command (ISC) Boston piers and;

(3) *Salem Harbor*. All waters of Salem Harbor within a two-hundred and fifty (250) yard radius of the center point of the PG & E Power Plant Terminal Wharf, Salem, MA, located at 42°31.33' N, 070°52.67' W when a vessel is moored at this pier. All coordinates are North American Datum 1983.

(b) *Regulations*. (1) In accordance with the general regulations in §165.23 and §165.33 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port Boston.

(2) All vessel operators shall comply with the instructions of the Captain of the Port or the designated on-scene U.S. Coast Guard patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

(3) No person may enter the waters or land area within the boundaries of the safety and security zones unless previously authorized by the Captain of the Port, Boston or his authorized patrol representative.

[CGD01-02-016, 67 FR 45909, July 11, 2002, as amended by USCG-2009-0416, 74 FR 27441, June 10, 2009]

§ 165.117 Regulated Navigation Areas, Safety and Security Zones: Deepwater Ports, First Coast Guard District.

(a) *Location*—(1) *Regulated navigation areas*. All waters within a 1,000 meter radius of the geographical positions set forth in paragraph (a)(3) of this section are designated as regulated navigation areas.

(2) *Safety and security zones*. All waters within a 500-meter radius of the geographic positions set forth in paragraph (a)(3) of this section are designated as safety and security zones.

(3) *Coordinates*. (i) The geographic coordinates forming the loci for the regulated navigation areas, safety and security zones for the Northeast Gateway Deepwater Port are: 42°23'38" N, 070°35'31" W; and 42°23'56" N, 070°37'00" W (NAD 83).

(ii) [Reserved]

(b) *Definitions*. As used in this section—

Authorized representative means a Coast Guard commissioned, warrant, or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port (COTP) Boston.

Deepwater port means any facility or structure meeting the definition of deepwater port in 33 CFR 148.5.

Dredge means fishing gear consisting of a mouth frame attached to a holding bag constructed of metal rings or mesh.

Support vessel means any vessel meeting the definition of support vessel in 33 CFR 148.5.

Trap means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats used for fishing. Also called a pot.

(c) *Applicability*. This section applies to all vessels operating in the regulated navigation areas set forth in paragraph (a) of this section, except—

(1) Those vessels conducting cargo transfer operations with the deepwater ports whose coordinates are provided in paragraph (a)(3) of this section,

(2) Support vessels operating in conjunction therewith, and

(3) Coast Guard vessels or other law enforcement vessels operated by or under the direction of an authorized representative of the COTP Boston.

(d) *Regulations*. (1) No vessel may anchor or engage in commercial fishing using nets, dredges, or traps (pots) in the regulated navigation areas set forth in paragraph (a)(1) of this section.

(2) In accordance with the general regulations in §§ 165.23 and 165.33 of this part, entry into or movement within the safety and security zones designated in paragraph (a)(2) of this section is prohibited unless authorized by the COTP Boston, or his/her authorized representative.

(3) Notwithstanding paragraph (d)(2) of this section, tankers and support vessels, as defined in 33 CFR 148.5, operating in the vicinity of NEGDWP are authorized to enter and move within such zones in the normal course of their operations following the requirements set forth in 33 CFR 150.340 and 150.345, respectively.

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(4) All vessels operating within the safety and security zones described in paragraph (a)(2) of this section must comply with the instructions of the COTP or his/her authorized representative.

[USCG-2007-0087, 73 FR 34194, June 17, 2008]

§ 165.120 Safety Zone: Chelsea River, Boston Inner Harbor, Boston, MA.

(a) *Location.* The following area is a safety zone: The waters of the Chelsea River, Boston Inner Harbor, for 100 yards upstream and downstream of the center of the Chelsea Street Draw span (in the approximate position of latitude 42°23'10.3" N., longitude 71°01'21.2" W.). [NAD83].

(b) *Regulation.* The following standards are the minimum requirements for transit of the Safety Zone. Additional precautions may be taken by the pilot and/or person in charge (Master or Operator).

(1) All tankships greater than 1,000 Gross Tons shall be under the direction and control of an individual holding a valid merchant mariner's license or merchant mariner credential endorsed as pilot. This does not relieve persons in charge (Masters or Operators) from their ultimate responsibility for the safe navigation of vessels.

(2) All vessel(s) speed shall be kept to a minimum considering all factors and the need for optimum vessel control.

(3) Restrictions on size and draft of vessels:

(i) No vessel greater than 661 feet in length (using length overall) or greater than 90.5 feet in beam (using extreme breadth) shall transit the Safety Zone.

(ii) No vessel greater than 630.5 feet in length or 85.5 feet or greater in beam shall transit the Safety Zone during the period between sunset and sunrise.

(iii) No tankship greater than 550.5 feet in length shall transit the Safety Zone, either inbound or outbound, with a draft less than 18.0 feet forward and 24.0 feet aft.

(4) Restrictions when the Chelsea River channel is obstructed by vessel(s) moored at the Northeast Petroleum Terminal located downstream of the Chelsea Street Bridge on the Chelsea, MA side of the Chelsea River—hereafter referred to as the Jenny Dock (approximate position latitude

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42°23'05.2" N., longitude 71°01'35.8" W.)—or the Mobile Oil Terminal located on the East Boston Side of the Chelsea River downstream of the Chelsea Street Bridge (approximate position latitude 42°23'04.9" N., longitude 71°01'28.52" W.): [NAD83].

(i) When there is a vessel moored at each terminal, no vessel greater than 300.5 feet in length or greater than 60.5 feet in beam, shall transit the safety zone.

(ii) When a vessel with a beam greater than 60.5 feet is moored at either terminal, no vessel greater than 630.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(iii) When a vessel with a beam greater than 85.5 feet is moored at either terminal, no vessel greater than 550.5 feet in length or greater than 85.5 feet in beam shall transit the Safety Zone.

(5) Requirements for tug assistance:

(i) All tankships greater than 630.5 feet in length or greater than 85.5 feet in beam shall be assisted by at least four tugs of adequate horsepower.

(ii) All tankships from 450 feet in length up to and including 630.5 feet in length and less than 85.5 feet in beam shall be assisted by at least three tugs of adequate horsepower.

(iii) All tug/barge combinations with a tonnage of over 10,000 Gross Tons (for the barge(s), in all conditions of draft, shall be assisted by at least one tug of adequate horsepower.

(6) U.S. Certificated integrated tug/barge (ITB) combinations shall meet the requirements of a tankship of similar length and beam except that one less assist tug would be required.

(7) Variances from the above standard must be approved in advance by the Captain of the Port of Boston, MA.

[CCGD1-85-4R, 51 FR 10835, Mar. 31, 1986; 51 FR 23415, June 27, 1986, as amended by USCG-1998-3799, 63 FR 35532, June 30, 1998; USCG-2006-24371, 74 FR 11213, Mar. 16, 2009; USCG-2009-0416, 74 FR 27441, June 10, 2009]

§ 165.121 Safety and Security Zones: High Interest Vessels, Narragansett Bay, Rhode Island.

(a) *Location.* (1) All waters of Rhode Island Sound within a ½ mile radius of any high interest vessel while the vessel is anchored within ½ mile of the point Latitude 41°25' N, Longitude 71°23'

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W in the Narragansett Bay Precautionary Area.

(2) All waters of Rhode Island Sound, Narragansett Bay, the Providence and Taunton Rivers 2 miles ahead and 1 mile astern, and extending 1000 yards on either side of any high interest vessel transiting Narragansett Bay, or the Providence and Taunton Rivers.

(3) All waters and land within a 1000-yard radius of any high interest vessel moored at a waterfront facility in the Providence Captain of the Port zone.

(b) *High interest vessels defined.* For purposes of this section, high interest vessels operating in the Providence Captain of the Port zone include the following: barges or ships carrying liquefied petroleum gas (LPG), liquefied natural gas (LNG), chlorine, anhydrous ammonia, or any other cargo deemed to be high interest by the Captain of the Port, Providence.

(c) *Regulations.* (1) Entry into or movement within these zones, including below the surface of the water, during times in which high interest vessels are present and the zones are enforced is prohibited unless authorized by the COTP Providence or authorized representative.

(2) The general regulations covering safety and security zones in §§165.23 and 165.33, respectively, of this part apply.

(3) All persons and vessels shall comply with the instructions of the COTP, and the designated on-scene U.S. Coast Guard personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels.

[CGD01-02-065, 67 FR 56224, Sept. 3, 2002]

§ 165.122 Regulated Navigation Area: Navigable waters within Narragansett Bay and the Providence River, Rhode Island.

(a) *Description of the regulated navigation area (RNA).* The Regulated Navigation Area (RNA) encompasses all of the navigable waters of Narragansett Bay north of the COLREGS demarcation line and west of the Mt. Hope Bridge, and all of the navigable waters of the Providence River from Conimicut

Point to the Providence hurricane barrier.

(b) *Regulations.* (1) All commercial vessels must:

(i) Maintain a minimum 10% of the vessel's draft as an under-keel clearance when not assisted by tugs, or when not moored at an assigned berth. Under-keel clearance is the minimum clearance available between the deepest point on the vessel and the bottom of the waterway, in calm water.

(ii) Have at least one mile of visibility to transit the Providence River between 41°43'01.4" N; 071°20'41.7" W (Conimicut Light (LLNR 18305)) and 41°47'38.8" N; 071°22'46.7" W (Channel Light 42 (LLNR 18580)).

(2) Vessels over 65 feet in length inbound for berths in the Providence River are required to make Safety Signal (SECURITE) calls on both VHF channels 13 and 16 at the following geographic locations:

(i) Pilot Boarding Area;

(ii) Abeam of Castle Hill;

(iii) Abeam of Sandy Point;

(iv) Abeam of 41°43'01.4" N; 071°20'41.7" W (Conimicut Point Light (LLNR 18305));

(v) Abeam of Sabin Point; and

(vi) Upon mooring.

(3) Vessels over 65 feet in length inbound for berths in Mount Hope Bay or in the Taunton River are required to make SECURITE calls on both VHF channels 13 and 16 at the following geographic locations:

(i) Pilot Boarding Area;

(ii) Abeam of Castle Hill;

(iii) Abeam of Sandy Point; and

(iv) At position 41°39'32.4" N; 071°14'02.6" W (Mount Hope Bay Junction Lighted Gong Buoy "MH" (LLNR 18790)).

(4) Vessels over 65 feet in length outbound for sea down the Providence River Channel shall make SECURITE calls on VHF channels 13 and 16 at the following geographic locations:

(i) One-half hour prior to departure from the berth;

(ii) At departure from the berth;

(iii) Abeam of Sabin Point;

(iv) Abeam of Gaspee Point; and

(v) Abeam of position 41°43'01.4" N; 071°20'41.7" W (Conimicut Light (LLNR 18305)).

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(5) Vessels over 65 feet in length outbound for sea down from Mount Hope Bay through Narragansett Bay are required to make SECURITE calls on VHF channels 13 and 16 at the following geographic locations:

(i) One-half hour prior to departure from the berth;

(ii) At departure from the berth; and

(iii) At position 41°39'32.4" N; 071°14'02.6" W (Mount Hope Bay Junction Lighted Gong Buoy "MH" (LLNR 18790)).

(6) Vessels 65 feet and under in length, and all recreational vessels, when meeting deep draft commercial vessel traffic in all locations within this RNA shall keep out of the way of the oncoming deep draft commercial vessel. Nothing in this regulation, however, relieves a vessel of any duty prescribed in the Inland Navigation Rules (set forth in 33 U.S.C. 2005 *et seq.*)

(7) The Captain of the Port (COTP) Southeastern New England may authorize a deviation from these regulations. Parties wishing to request a deviation must do so in advance by contacting the COTP Southeastern New England, at 508-457-3211, or via VHF Channel 13 (156.7 MHz), or VHF channel 16 (156.8 MHz). Any person or vessel receiving permission from the COTP to deviate from these regulations must comply with any specific instructions provided by the COTP.

(c) *Enforcement.* Violations of this RNA should be reported to the COTP Southeastern New England at 508-457-3211. Persons found in violation of these regulations may be subject to civil or criminal penalties as provided for in 33 U.S.C. 1232.

[USCG-2009-0143, 75 FR 15347, Mar. 29, 2010]

§ 165.130 Sandy Hook Bay, New Jersey—security zone.

(a) *Naval Ammunition Depot Piers.* The navigable waters within the following boundaries are a security zone: A line beginning on the shore at 40°25'55.6" N, 074°04'31.4" W; thence to 40°26'54.0" N, 074°03'53.0" W; thence to 40°26'58.0" N, 074°04'03.0" W; thence to 40°27'56.0" N, 074°03'24.0" W; thence to 40°27'28.5" N, 074°02'10.4" W; thence to 40°26'29.5" N, 074°02'51.2" W; thence to 40°26'31.4" N, 074°02'55.4" W; thence to 40°25'27.1" N,

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074°03'39.7" W; thence northwest along the shoreline to the beginning point.

(b) *Terminal Channel.* The waters within the following boundaries are a security zone—A line beginning at 40°27'41.2" N, 74°02'46" W; then to 40°28'27" N, 74°02'17.2" W; then to 40°28'21.1" N, 74°02'00" W; then to 40°28'07.8" N, 74°02'22" W; then to 40°27'39.8" N, 74°02'41.4" W; then to the beginning.

(c) The following rules apply to the security zone established in paragraph (b) of this section (Terminal Channel) instead of the rule in § 165.33(a):

(1) No vessel shall anchor, stop, remain or drift without power at any time in the security zone.

(2) No vessel shall enter, cross, or otherwise navigate in the security zone when a public vessel, or any other vessel, that cannot safely navigate outside the Terminal Channel, is approaching or leaving the Naval Ammunition Depot Piers at Leonardo, New Jersey.

(3) Vessels may enter or cross the security zone, except as provided in paragraph (c)(2) of this section.

(4) No person may swim in the security zone.

[CGD 77-118a, 42 FR 35784, July 11, 1977. Redesignated by CGD 81-017, 46 FR 28154, May 26, 1981, and CGD 87-008b, 52 FR 25218, July 6, 1987; USCG-2007-0074, 74 FR 7191, Feb. 13, 2009]

§ 165.140 New London Harbor, Connecticut—security zone.

(a) *Security zones—*(1) *Security Zone A.* The waters of the Thames River west of the Electric Boat Corporation Shipyard enclosed by a line beginning at a point on the shoreline at 41°20'16" N, 72°04'47" W; then running west to 41°20'16" N, 72°04'57" W; then running north to 41°20'26" N, 72°04'57" W; then northwest to 41°20'28.7" N, 72°05'01.7" W; then north-northwest to 41°20'53.3" N, 72°05'04.8" W; then north-northeast to 41°21'02.9" N, 72°05'04.9" W; then east to a point on shore at 41°21'02.9" N, 72°04'58.2" W.

(2) *Security Zone B.* The waters of the Thames River, west of the Naval Submarine Base, New London, CT, enclosed by a line beginning at a point on the shoreline at 41°23'15.8" N., 72°05'17.9" W.; then to 41°23'15.8" N., 72°05'22" W.; then to 41°23'25.9" N., 72°05'29.9" W.; then to 41°23'33.8" N., 72°05'34.7" W.; then to

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41°23'37.0" N., 72°05'38.0" W.; then to 41°23'41.0" N., 72°05'40.3" W.; then to 41°23'47.2" N., 72°05'42.3" W.; then to 41°23'53.8" N., 72°05'43.7" W.; then to 41°23'59.8" N., 72°05'43.0" W.; then to 41°24'12.4" N., 72°05'43.2" W.; then to a point on the shoreline at 41°24'14.4" N., 72°05'38" W.; then along the shoreline to the point of beginning.

(3) All coordinates are North American Datum 1983.

(b) *Special regulation.* Section 165.33 does not apply to public vessels when operating in Security Zone A, or to vessels owned by, under hire to, or performing work for the Electric Boat Division when operating in Security Zone A.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by COTP 83-01, 48 FR 33264, July 21, 1983; CGD3-83-29, 48 FR 51622, Nov. 10, 1983; CGD3-84-26, 49 FR 40405, Oct. 16, 1984; CGD3-86-56, 52 FR 17296, May 7, 1987. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987; CDG3 86-56, 52 FR 44107, Nov. 18, 1987; CGD01-97-104, 62 FR 51782, Oct. 3, 1997; CGD01-03-012, 69 FR 4244, Jan. 29, 2004]

§ 165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean within a 1,000 yard radius of the stern section of the sunken vessel EMPIRE KNIGHT, in approximate position 43°06'19" N, 70°27'09" W, (NAD 1983) and extending from the water's surface to the seabed floor.

(b) *Effective date.* This section is effective on August 23, 1996, twenty-four hours a day, seven days a week.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All vessels and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port, Portland, Maine. Innocent transit through the area within the safety zone is not affected by this regulation and does not require the authorization of the Captain of the Port.

(3) All persons and vessels shall comply with the instructions of the COTP or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant,

and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD 01-95-141, 61 FR 60032, Nov. 26, 1996]

§ 165.150 New Haven Harbor, Quinnipiac River, Mill River.

(a) *The following is a regulated navigation area:* The waters surrounding the Tomlinson Bridge located within a line extending from a point A at the southeast corner of the Wyatt terminal dock at 41°17'50" N, 72°54'36" W thence along a line 126°T to point B at the southwest corner of the Gulf facility at 41°17'42" N, 72°54'21" W thence north along the shoreline to point C at the northwest corner of the Texaco terminal dock 41°17'57" N, 72°54'06" W thence along a line 303°T to point D at the west bank of the mouth of the Mill River 41°18'05" N, 72°54'23" W thence south along the shoreline to point A.

(b) *Regulations.* (1) No person may operate a vessel or tow a barge in this Regulated Navigation Area in violation of these regulations.

(2) *Applicability.* The regulations apply to barges with a freeboard greater than ten feet and to any vessel towing or pushing these barges on outbound transits of the Tomlinson Bridge.

(3) Regulated barges may not transit the bridge—

(i) During the period from one hour to five hours after high water slack,

(ii) When the wind speed at the bridge is greater than twenty knots, and

(iii) With the barge being towed on a hawser, stern first.

(4) Regulated barges with a beam greater than fifty feet must be pushed ahead through the bridge.

(5) If the tug operator does not have a clear view over the barge when pushing ahead, the operator shall post a lookout on the barge with a means of communication with the operator.

(6) Regulated barges departing the Mill River may transit the bridge only between sunrise and sunset. Barges must be pushed ahead of the tug, bow first, with a second tug standing by to assist at the bow.

(7) Nothing in this section is intended to relieve any person from complying with:

(i) Applicable Navigation and Pilot Rules for Inland Waters;

(ii) Any other laws or regulations;

(iii) Any order or direction of the Captain of the Port.

(8) The Captain of the Port, New Haven, may issue an authorization to deviate from any rule in this section if the COTP finds that an alternate operation can be done safely.

[CGD 79-034, 47 FR 29660, July 8, 1982, as amended by CGD 80-069, 47 FR 53368, Nov. 26, 1982. Redesignated by CGD 87-008b, 52 FR 25218, July 6, 1987]

§ 165.151 Safety Zones; Long Island Sound annual fireworks displays.

(a) *Safety Zones.* The following areas are designated safety zones. All coordinates references 1983 North American Datum (NAD83).

(1) *Indian Harbor Yacht Club Fireworks Safety Zone.* All waters of Long Island Sound off Greenwich CT, within a 800-foot radius of the fireworks barge located in approximate position 41°00'35" N, 073°37'05" W.

(2) *City of Rowayton Fireworks Safety Zone.* All waters of Long Island Sound in Sheffield Channel off of Ballast Reef within a 1000-foot radius of the fireworks barge located in approximate position 41°03'11" N, 073°26'41" W.

(3) *The Yampol Family Fireworks Safety Zone.* All waters of Long Island Sound off Cold Springs Harbor, Cove Neck New York within a 1200-foot radius of the fireworks barge located in approximate position 41°53'00" N, 073°29'13" W.

(4) *Groton Long Point Yacht Club Fireworks Safety Zone.* All waters of Long Island Sound off of Groton Long Point, Groton, CT, within a 600-foot radius of the fireworks barge in approximate position 41°18'05" N, 072°02'08" W.

(5) *City of West Haven Fireworks Safety Zone.* All waters of New Haven Harbor on Long Island Sound off Bradley Point within a 1200-foot radius of the fireworks barge in approximate position 41°15'07" N, 072°57'26" W.

(6) *New Haven Festival Fireworks Safety Zone.* All waters of New Haven Harbor on Long Island Sound within a 1200-foot radius of the fireworks barge in

approximate position 40°17'31" N, 072°54'48" W.

(7) *Madison Cultural Arts Fireworks Safety Zone.* All the waters of Long Island Sound located off the City of Madison within an 800-foot radius of the fireworks barge in approximate position 41°16'10" N, 072°36'30" W.

(8) *Arnold L. Chase Fireworks Safety Zone.* All waters of Connecticut River within a 600 foot radius of the fireworks barge located in approximate position 41°15'56" N, 072°21'49" W, about 100-yards off Fenwick Pier.

(9) *Saybrook Summer Pops Fireworks Safety Zone.* All waters of Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°17'35" N, 072°21'20" W.

(10) *Mashantucket Pequot Fireworks Safety Zone.* All waters of the Thames River off of New London, CT, within a 1200-foot radius of a fireworks barge located in approximate position 41°20'57.1" N, 72°05'22.1" W; and within 1000-feet of fireworks barges located in approximate positions: barge one, 41°21'03.3" N, 72°05'24.5" W; and barge two, 41°20'51.75" N, 72°05'18.90" W.

(11) *Harbor Day Fireworks Safety Zone.* All waters of Thames River within a 600-foot radius of the fireworks barge located in approximate position 41°31'14" N, 072°04'44" W, located off American Warf Marina, Norwich, CT.

(12) *Riverfest Fireworks Safety Zone.* All the waters of the Connecticut River within a 600-foot radius of the fireworks barge located in approximate position 41°45'34" N, 072°39'37" W.

(13) *Southampton Fresh Air Home Fireworks Safety Zone.* All the waters of Shinnecock Bay within a 600-foot radius of the fireworks barge located in approximate position 40°51'48" N, 072°28'30" W, off of Southampton, NY.

(14) *T.E.L. Enterprises Fireworks Safety Zone.* All the waters of Great South Bay within a 600-foot radius of the fireworks barge located in approximate position 40°41'17" N, 073°00'20" W, off of Davis Park, NY.

(15) *Patchogue Chamber of Commerce Fireworks Safety Zone.* All the waters of Great South Bay within an 800-foot radius of the fireworks barge located in approximate position 40°44'38" N, 073°00'33" W, off of Patchogue, NY.

(16) *Fire Island Tourist Bureau Fireworks Safety Zone*. All the waters of Great South Bay within a 600-foot radius of the fireworks barge located in approximate position 40°35'45" N, 073°05'23" W, off of Cherry Cove, NY.

(17) *Treibek's Party Fireworks Safety Zone*. All the waters of the Atlantic Ocean within a 1200-foot radius of the fireworks barge located in approximate position 40°54'04" N, 072°16'50" W, off of Sagaponack, NY.

(18) *Norwich July Fireworks Safety Zone*. All waters of the Thames River within a 600-foot radius of the fireworks launch area in approximate position 41°31'20.9" N, 072°04'45.9" W, located off of Norwich, CT.

(19) *Town of Branford Fireworks Safety Zone*. All waters of Branford Harbor off of Branford Point within a 600-foot radius of the fireworks launch area located on Branford Point in approximate position 41°15'30" N, 072°49'22" W.

(20) *Vietnam Veterans Local 484/Town of East Haven Fireworks Safety Zone*. All waters of Long Sound off of Cosey Beach, East Haven, CT within a 1000-foot radius of the fireworks barge in approximate position 41°14'19" N, 072°52'9.8" W.

(21) *Westport Police Athletic League Fireworks Safety Zone*. All waters of Long Island Sound off Compo Beach, Westport, CT within a 800-foot radius of the fireworks barge in approximate position 41°09'2.5" N, 073°20'1.1" W.

(22) *Westbrook, CT July Celebration Safety Zone*. All waters of Westbrook Harbor in Long Island Sound within a 800-foot radius of the fireworks barge located in approximate position 41°16'50" N, 072°26'14" W.

(23) *Norwalk Fireworks Safety Zone*. All waters of Long Island Sound off of Calf Pasture Beach in Norwalk, CT within a 1000-foot radius of the fireworks barge located in approximate position 40°05'10" N, 073°23'20" W.

(24) *Town of Stratford Fireworks Safety Zone*. All waters of Long Island Sound off of Short Beach in Stratford, CT, within a 800-foot radius of the fireworks launch area located in approximate position 41°09'5" N, 073°06'5" W.

(25) *Old Black Point Beach Association Fireworks Safety Zone*. All waters of Long Island Sound off Old Black Point Beach in East Lyme, CT, within a 1000-

foot radius of the fireworks launch area located on Old Black Point Beach in approximate position 41°17'34.9" N, 072°12'55.6" W.

(26) *Village of Asharoken Fireworks Safety Zone*. All waters of Northport Bay off of Asharoken Beach in Asharoken, NY within a 600-foot radius of the fireworks launch area located in approximate position 40°55'30" N, 072°21' W.

(b) *Notification*. Coast Guard Sector Long Island Sound and Coast Guard Sector Field Office Moriches will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY". Displays launched from shore sites will have a sign labeled "FIREWORKS—STAY AWAY" with the same size requirements. The signs required by this section must consist of red letters at least 10 inches high, and 1.5 inch thick on a white background.

(c) *Enforcement period*. Specific zones in this section will be enforced from 8 p.m. to 11 p.m. each day a barge or land based launch site with sign reading "FIREWORKS—STAY AWAY" is present in that zone.

(d) *Regulations*. Vessels may not enter, remain in, or transit through the safety zones in this section during the enforcement period unless authorized by the Captain of the Port Long Island Sound or designated Coast Guard patrol personnel on scene.

[CGD01-01-077, 67 FR 22352, May 3, 2002, as amended by USCG-2003-15404, 68 FR 37741, June 25, 2003; 68 FR 40024, July 3, 2003; CGD01-05-012, 70 FR 43764, July 29, 2005]

§ 165.152 Coast Guard Station Fire Island, Long Island, New York—safety zone.

(a) *Location*. The following waters of Fire Island Inlet are a safety zone: Beginning at a point on shore at 40°37.523' N, 073°15.685' W; then north to 40°37.593' N, 073°15.719' W; then east to 40°37.612' N, 073°15.664' W; then east to 40°37.630' N, 073°15.610' W; then east to 40°37.641'

N, 073°15.558' W; then southeast to 40°37.630' N, 073°15.475' W; then southeast to 40°37.625' N, 073°15.369' W; then southeast to 40°37.627' N, 073°15.318' W; then southeast to point on shore at 40°37.565' N, 073°15.346' W. All coordinates are North American Datum 1983.

(b) *Regulations.* (1) The general regulations contained in 33 CFR §165.23 apply.

(2) All persons and vessels must comply with the Coast Guard Captain of the Port or designated on-scene patrol personnel. On-scene Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, and local, state, and federal law enforcement vessels. Upon being hailed by siren, radio, flashing light or other means from a U.S. Coast Guard vessel or other vessel with on-scene patrol personnel aboard, the operator of the vessel shall proceed as directed.

[CGD01–03–025, 69 FR 26045, May 11, 2004]

§ 165.153 Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone.

(a) *Regulated Navigation Area location.* All waters of the Long Island Sound Marine Inspection and Captain of the Port (COTP) Zone, as delineated in 33 CFR 3.05–35, extending seaward 12 nautical miles from the territorial sea baseline, are established as a regulated navigation area (RNA).

(b) *Applicability.* This section applies to all vessels operating within the RNA excluding public vessels.

(c) *Definitions.* The following definitions apply to this section:

Commercial service means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

Ferry means a vessel that:

(1) Operates in other than ocean or coastwise service;

(2) Has provisions only for deck passengers or vehicles, or both;

(3) Operates on a short run on a frequent schedule between two points over the most direct water route; and

(4) Offers a public service of a type normally attributed to a bridge or tunnel.

Public vessels means vessels owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commercial service.

Territorial sea baseline means the line defining the shoreward extent of the territorial sea of the United States drawn according to the principles, as recognized by the United States, of the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606, and the 1982 United Nations Convention on the Law of the Sea (UNCLOS), 21 I.L.M. 1261. Normally, the territorial sea baseline is the mean low water line along the coast of the United States.

(d) *Regulations.* (1) Speed restrictions in the vicinity of Naval Submarine Base New London and Lower Thames River. Unless authorized by the Captain of the Port (COTP), vessels of 300 gross tons or more may not proceed at a speed in excess of eight knots in the Thames River from New London Harbor channel buoys 7 and 8 (Light List numbers 21875 and 21880 respectively) north through the upper limit of the Naval Submarine Base New London Restricted Area, as that area is specified in 33 CFR 334.75(a). The U.S. Navy and other Federal, State and municipal agencies may assist the U.S. Coast Guard in the enforcement of this rule.

(2) *Enhanced communications.* Vessels of 300 gross tons or more and all vessels engaged in towing barges must issue security calls on marine band or Very High Frequency (VHF) radio channel 16 upon approach to the following locations:

(i) Inbound approach to Cerberus Shoal; and

(ii) Outbound approach to Race Rock Light (USCG Light List No. 19815).

(3) All vessels operating within the RNA that are bound for a port or place located in the United States or that must transit the internal waters of the United States, must be inspected to the satisfaction of the U. S. Coast Guard, before entering waters within three nautical miles from the territorial sea baseline. Vessels awaiting inspection will be required to anchor in the manner directed by the COTP. This section does not apply to vessels operating exclusively within the Long Island Sound

Marine Inspection and COTP Zone, vessels on a single voyage which depart from and return to the same port or place within the RNA, all towing vessels engaged in coastwise trade, vessels in innocent passage not bound for a port or place subject to the jurisdiction of the United States, and all vessels not engaged in commercial service whose last port of call was in the United States. Vessels requiring inspection by the COTP may contact the COTP via marine band or Very High Frequency (VHF) channel 16, telephone at (203) 468-4401, facsimile at (203) 468-4418, or letter addressed to Captain of the Port, Long Island Sound, 120 Woodward Ave., New Haven, CT 06512.

(4) All vessels operating within the RNA that are bound for a port or place located in the United States or that must transit the internal waters of the United States, must obtain authorization from the Captain of the Port (COTP) before entering waters within three nautical miles from the territorial sea baseline. Vessels awaiting COTP authorization to enter waters within three nautical miles from the territorial sea baseline will be required to anchor in the manner directed by the COTP. This section does not apply to vessels operating exclusively within the Long Island Sound Marine Inspection and COTP Zone, vessels on a single voyage which depart from and return to the same port or place within the RNA, all towing vessels engaged in coastwise trade, vessels in innocent passage not bound for a port or place subject to the jurisdiction of the United States, and all vessels not engaged in commercial service whose last port of call was in the United States. Vessels may request authorization from the COTP by contacting the COTP via marine band or Very High Frequency (VHF) channel 16, telephone at (203) 468-4401, facsimile at (203) 468-4418, or letter addressed to Captain of the Port, Long Island Sound, 120 Woodward Ave., New Haven, CT 06512.

(5) Vessels over 1,600 gross tons operating in the RNA within three nautical miles from the territorial sea baseline that are bound for a port or place located in the United States or that must transit the internal waters of the United States must receive authoriza-

tion from the COTP prior to transiting or any intentional vessel movements, including, but not limited to, shifting berths, departing anchorage, or getting underway from a mooring. This section does not apply to vessels in innocent passage not bound for a port or place subject to the jurisdiction of the United States.

(6) *Ferry vessels.* Vessels of 300 gross tons or more are prohibited from entering all waters within a 1200-yard radius of any ferry vessel transiting in any portion of the Long Island Sound Marine Inspection and COTP Zone without first obtaining the express prior authorization of the ferry vessel operator, master, COTP, or the designated COTP on-scene patrol.

(7) *Vessels engaged in commercial service.* No vessel may enter within a 100-yard radius of any vessel engaged in commercial service while that vessel is transiting, moored, or berthed in any portion of the Long Island Sound Marine Inspection and COTP zone, without the express prior authorization of the vessel's operator, master, COTP, or the designated COTP on-scene representative.

(8) *Bridge foundations.* Any vessel operating beneath a bridge must make a direct, immediate and expeditious passage beneath the bridge while remaining within the navigable channel. No vessel may stop, moor, anchor or loiter beneath a bridge at any time. No vessel may approach within a 25-yard radius of any bridge foundation, support, stanchion, pier or abutment except as required for the direct, immediate and expeditious transit beneath a bridge.

(9) This section does not relieve any vessel from compliance with applicable navigation rules.

[CGD01-02-104, 68 FR 48802, Aug. 15, 2003, as amended by USCG-2006-24371, 74 FR 11213, Mar. 16, 2009]

§ 165.154 Safety and Security Zones: Long Island Sound Marine Inspection Zone and Captain of the Port Zone.

(a) *Safety and security zones.* The following areas are safety and security zones:

(1) *Dominion Millstone Nuclear Power Plant Safety and Security Zones.* (i) All waters north and north east of a line

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running from Bay Point, at approximate position 41–18.57 N, 072–10.41 W, to Millstone Point at approximate position 41–18.25 N, 072–09.96 W.

(ii) All waters west of a line starting at 41–18.700 N, 072–09.650 W, running south to the eastern most point of Fox Island at approximate position 41–18.400 N, 072–09.660 W. All coordinates are North American Datum 1983.

(2) *Coast Guard Vessels Safety and Security Zones.* All waters within a 100-yard radius of any anchored Coast Guard vessel. For the purposes of this section, Coast Guard vessels includes any commissioned vessel or small boat in the service of the regular Coast Guard and does not include Coast Guard Auxiliary vessels.

(b) *Regulations.* (1) The general regulations contained in § 165.23 and § 165.33 of this part apply.

(2) In accordance with the general regulations in § 165.23 and § 165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Long Island Sound.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01–02–104, 68 FR 48803, Aug. 15, 2003]

§ 165.155 Northville Industries Offshore Platform, Riverhead, Long Island, New York—safety zone.

(a) The following area is established as a safety zone during the specified condition:

(1) The waters within a 500 yard radius of the Northville Industries Offshore Platform, Long Island, New York, 1 mile North of the Riverhead shoreline at 41°00′ N, 072°38′ W, while a Liquefied Petroleum Gas (LPG) vessel is moored at the Offshore Platform. The safety zone remains in effect until the LPG vessel departs the Offshore Platform.

(b) The general regulations governing safety zone contained in 33 CFR 165.23 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing notice of scheduled moorings at the Northville Industries Offshore Platform of LPG vessels via Marine Safety Information Radio Broadcast.

[CGD3 85–86, 51 FR 37181, Oct. 20, 1986. Redesignated by CGD 87–008b, 52 FR 25218, July 6, 1987]

§ 165.156 Regulated Navigation Area: East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York.

(a) *Location.* The following area is a Regulated Navigation Area: All waters of East Rockaway Inlet in an area bounded by lines drawn from position 40°34′56″ N, 073°45′19″ W, (approximate position of Silver Point breakwater buoy, LLNR 31500) running north to a point of land on the northwest side of the inlet at position 40°35′28″ N, 073°46′12″ W, thence easterly along the shore to the east side of the Atlantic Beach Bridge, State Route 878, over East Rockaway Inlet, thence across the bridge to the south side of East Rockaway Inlet, thence westerly along the shore and across the water to the beginning.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.10, 165.11, and 165.13 apply.

(2) In accordance with the general regulations, the following regulations apply to vessels carrying petroleum products in excess of 250 barrels:

(i) The vessel must have plans in place to maintain a minimum of two feet under keel clearance at all times.

(ii) A vessel requiring a nighttime transit through East Rockaway Inlet may only do so only after receiving approval from the Captain of the Port Long Island Sound.

(iii) Vessels are prohibited from transiting East Rockaway Inlet if a small craft advisory or greater has been issued for the area unless specific approval is received from the Captain of the Port Long Island Sound.

(iv) In an emergency, any vessel may deviate from the regulations in this section to the extent necessary to

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avoid endangering the safety of persons, the environment, and or property. If deviation from the regulations is necessary, the master or their designee shall inform the Coast Guard as soon as it is practicable to do so.

(c) *Waivers.* (1) The Captain of the Port Long Island Sound may, upon request, waive any regulation in this section.

(2) An application for a waiver must state the need for the waiver and describe the proposed vessel operations through the Regulated Navigation Area.

[USCG–2008–0085, 74 FR 57887, Nov. 10, 2009]

§ 165.158 Safety Zone: Patchogue Grand Prix, Patchogue Bay, Patchogue, NY.

(a) *Location.* The following area is a safety zone: All navigable waters of Patchogue Bay, NY bounded by an area beginning at a point on land in Patchogue, NY at approximate position 40°44'56" N, 073°00'49" W; then running south to a point in Patchogue Bay at approximate position 40°44'29" N, 073°00'49" W; then running south east to a point in Great South Bay at approximate position 40°43'47" N, 072°59'54" W; then running east to approximate position 40°43'53" N, 072°58'46" W; then to approximate position 40°43'57" N, 072°57'06" W; then north to a point on land at approximate position 40°44'29" N, 072°57'09" W. All coordinates are North American Datum 1983.

(b) *Definitions.* The following definitions apply to this section: *Designated on-scene patrol personnel*, means any commissioned, warrant and petty officers of the U.S. Coast Guard operating Coast Guard vessels who has been authorized to act on the behalf of the Captain of the Port Long Island Sound.

(c) *Regulations.* (1) The general regulations contained in 33 CFR §165.23 apply.

(2) In accordance with the general regulations in §165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Long Island Sound.

(3) All persons and vessels must comply with the Coast Guard Captain of the Port or the designated on-scene patrol personnel.

(4) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light or other means, the operator of the vessel must proceed as directed.

(5) Persons and vessels may request permission to enter the zone on VHF–16 or via phone at (203) 468–4401.

(d) *Enforcement period.* This rule will be enforced from 11 a.m. to 5 p.m. on August 22, 23, and 24, 2008 and each year thereafter at dates and times specified in a FEDERAL REGISTER notice.

[USCG–2008–0264, 73 FR 51367, Sept. 3, 2008]

§ 165.161 Safety zones: Coast Guard Captain of the Port New York annual fireworks displays.

(a) *Safety zones.* The following areas are designated safety zones:

(1) *Bar Beach fireworks, Hempstead Harbor, NY:*

(i) *Location.* All waters of Hempstead Harbor within a 300-yard radius of the fireworks barge in approximate position 40°49'54" N 073°39'14" W (NAD 1983), about 360 yards north of Bar Beach, Hempstead Harbor.

(ii) *Effective period.* Paragraph (a)(1)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Friday before Memorial Day, and the Saturday after Labor Day. If the event is cancelled due to inclement weather, then paragraph (a)(1)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the Saturday before Memorial Day and the Sunday after Labor Day.

(2) *Seaport Memorial Day fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(2)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Memorial Day. If the event is cancelled due to inclement weather, then paragraph (a)(2)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the day following Memorial Day.

(3) *Red Bank, NJ, July 3rd fireworks, Navesink River:*

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(i) *Location.* All waters of the Navesink River within a 360-yard radius of the fireworks barge in approximate position 40°21'20" N 074°04'10" W (NAD 1983), about 360 yards northwest of Red Bank, NJ.

(ii) *Effective period.* Paragraph (a)(3)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 3rd. If the event is cancelled due to inclement weather, then paragraph (a)(3)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on July 4th.

(4) *Seaport Labor Day fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(4)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on Labor Day. If the event is cancelled due to inclement weather, then paragraph (a)(4)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the day following Labor Day.

(5) *Deepavali Festival fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(5)(i) of this section is in effect annually from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first Sunday in October. If the event is cancelled due to inclement weather, then paragraph (a)(5)(i) of this section is effective from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on the first Monday in October.

(6) *Seaport New Year's Eve fireworks, East River, NY:*

(i) *Location.* All waters of the East River south of the Brooklyn Bridge and north of a line drawn from the southwest corner of Pier 3, Brooklyn, to the northeast corner of Pier 6, Manhattan.

(ii) *Effective period.* Paragraph (a)(6)(i) of this section is in effect annually from 8 p.m. (e.s.t.) to 1 a.m. (e.s.t.) on New Year's Eve. If the event is cancelled due to inclement weather, then paragraph (a)(6)(i) of this section is effective from 8 p.m. (e.s.t.) to 1 a.m.

(e.s.t.) on the day following New Year's Eve.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[USCG-2008-0179, 73 FR 35016, June 19, 2008]

§ 165.162 Safety Zone: New York Super Boat Race, Hudson River, New York.

(a) *Regulated area.* The following area is a safety zone: All waters of the Lower Hudson River south of a line drawn from the northwest corner of Pier 76 in Manhattan to a point on the New Jersey shore in Weehawken, New Jersey at approximate position 40°45'52" N 074°01'01" W (NAD 1983) and north of a line connecting the following points (all coordinates are NAD 1983):

Latitude	Longitude
40°42'16.0" N	074°01'09.0" W, then south to
40°41'55.0" N	074°01'16.0" W, then west to
40°41'47.0" N	074°01'36.0" W, then northwest to
40°41'55.0" N	074°01'59.0" W, then to shore at
40°42'20.5" N	074°02'06.0" W.

(b) *Regulations.* (1) Vessels not participating in this event, swimmers, and personal watercraft of any nature are prohibited from entering or moving within the regulated area unless authorized by the Patrol Commander.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(c) *Effective period.* This section is in effect annually from 10 a.m. until 4 p.m. on the Sunday following Labor Day.

[CGD01-98-175, 64 FR 31984, June 15, 1999]

§ 165.163 Safety Zones; Port of New York/New Jersey Fleet Week.

(a) The following areas are established as safety zones:

(1) *Safety Zone A*—(i) *Location.* A moving safety zone for the Parade of Ships including all waters 500 yards ahead and astern, and 200 yards of each side of the designated column of parade vessels as it transits the Port of New York and New Jersey from the Verrazano Narrows Bridge to Riverside State Park on the Hudson River between West 137th and West 144th Streets, Manhattan.

(ii) *Enforcement period.* Paragraph (a)(1)(i) of this section is enforced annually from 8 a.m. until 5 p.m. on the Wednesday before Memorial Day.

(2) *Safety Zone B*—(i) *Location.* A safety zone including all waters of the Hudson River between Piers 83 and 90, Manhattan, from the parade column east to the Manhattan shoreline.

(ii) *Enforcement period.* Paragraph (a)(2)(i) of this section is enforced annually from 8 a.m. until 5 p.m. on the Wednesday before Memorial Day.

(3) *Safety Zone C*—(i) *Location.* A moving safety zone including all waters of the Hudson River within a 200-yard radius of each parade vessel upon its leaving the parade of ships until it is safely berthed.

(ii) *Enforcement period.* Paragraph (a)(3)(i) of this section is enforced annually from 8 a.m. until 5 p.m. on the Wednesday before Memorial Day.

(4) *Safety Zone D*—(i) *Location.* A safety zone including all waters of the Hudson River bound by the following points: from the southeast corner of Pier 90, Manhattan, where it intersects the seawall, west to approximate position 40°46'10" N 074°00'13" W (NAD 1983), south to approximate position 40°45'54" N 074°00'25" W (NAD 1983), then east to the northeast corner of Pier 83 where it intersects the seawall.

(ii) *Enforcement period.* Paragraph (a)(4)(i) of this section is enforced annually from 10 a.m. until 5 p.m., from

Friday through Monday, Memorial Day weekend.

(5) *Safety Zone E*—(i) *Location.* A moving safety zone including all waters 500 yards ahead and astern, and 200 yards on each side of the departing U.S. Navy Aircraft or Helicopter Carrier as it transits the Port of New York and New Jersey from its mooring at the Intrepid Sea, Air and Space Museum, Manhattan, to the COLREGS Demarcation line at Ambrose Channel Entrance Lighted Bell Buoy 2 (LLNR 34805).

(ii) *Enforcement period.* Paragraph (a)(5)(i) of this section is enforced annually on the Wednesday following Memorial Day. Departure time is dependent on tide, weather, and granting of authority for departure by the Captain of the Port, New York.

(b) *Effective period.* This section is effective annually from 8 a.m. on the Wednesday before Memorial Day until 4 p.m. on the Wednesday following Memorial Day.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD1-98-170, 64 FR 24946, May 10, 1999]

§ 165.164 Security Zones: Dignitary Arrival/Departure and United Nations Meetings, New York, NY.

(a) The following areas are established as security zones:

(1) *Location.* Wall Street heliport: All waters of the East River within the following boundaries: East of a line drawn between approximate position 40°42'01" N 074°00'39" W (east of The Battery) to 40°41'36" N 074°00'52" W (NAD 1983) (point north of Governors Island) and north of a line drawn from the point north of Governors Island to the southwest corner of Pier 7 North, Brooklyn; and south of a line drawn between the northeast corner of Pier 13, Manhattan,

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and the northwest corner of Pier 2 North, Brooklyn.

(2) [Reserved]

(3) *Location.* Marine Air Terminal, La Guardia Airport: All waters of Bowery Bay, Queens, New York, south of a line drawn from the western end of La Guardia Airport at approximate position 40°46'47" N 073°53'05" W (NAD 1983) to the Rikers Island Bridge at approximate position 40°46'51" N 073°53'21" W (NAD 1983) and east of a line drawn between the point at the Rikers Island Bridge to a point on the shore in Queens, New York, at approximate position 40°46'36" N 073°53'31" W (NAD 1983).

(4) *Location.* All waters of the East River bound by the following points: 40°44'37" N, 073°58'16.5" W (the base of East 35th Street, Manhattan), then east to 40°44'34.5" N, 073°58'10.5" W (about 175 yards offshore of Manhattan), then northeasterly to 40°45'29" N, 073°57'26.5" W (about 125 yards offshore of Manhattan at the Queensboro Bridge), then northwesterly to 40°45'31" N, 073°57'30.5" W (Manhattan shoreline at the Queensboro Bridge), then southerly to the starting point at 40°44'37" N, 073°58'16.5" W. All nautical positions are based on North American Datum of 1983.

(5) *Location.* All waters of the East River north of a line drawn from approximate position 40°44'37" N, 073°58'16.5" W (the base of East 35th Street, Manhattan), to approximate position 40°44'23" N, 073°57'44.5" W (Hunters Point, Long Island City), and south of the Queensboro Bridge. All nautical positions are based on North American Datum of 1983.

(6) The security zone will be activated 30 minutes before the dignitaries' arrival into the zone and remain in effect until 15 minutes after the dignitaries' departure from the zone.

(7) The activation of a particular zone will be announced by facsimile and marine information broadcasts.

(b) *Regulations.* (1) The general regulations contained in 33 CFR 165.33 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commis-

sioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel using siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-98-006, 64 FR 24948, May 10, 1999, as amended by CGD01-00-146, 65 FR 47320, Aug. 2, 2000]

§ 165.166 Safety Zone: Macy's July 4th Fireworks, East River, NY.

(a) *Regulated area.* The following area is a safety zone: All waters of the Upper New York Bay south of a line drawn from Pier A (Fireboat Station Pier), Battery Park City, in approximate position 40°42'15.4" N 074°01'06.8" W (NAD 1983) to the easternmost corner of the Ellis Island Security Zone, in approximate position 40°41'57.6" N 074°02'06.7" W (NAD 1983); north of a line drawn from Pier 7, Jersey City, NJ, in approximate position 40°41'26.4" N 074°03'17.3" W (NAD 1983) to Liberty Island Lighted Gong Buoy 29 (LLNR 34995), in approximate position 40°41'02.2" N 074°02'24.7" W (NAD 1983), on to Governor's Island Extension Light (LLNR 35000), in approximate position 40°41'08.3" N 074°01'35.4" W (NAD 1983); all waters of the East River north of a line drawn from Governors Island, in approximate position 40°41'25.3" N 074°00'42.5" W (NAD 1983) to the southwest corner of Pier 9A, Brooklyn; south of a line drawn from East 47th Street, Manhattan through the southern point of Roosevelt Island to 46 Road, Queens; and all waters of Newtown Creek west of the Pulaski Bascule Bridge.

(b) *Activation period.* This section is activated annually from 6:30 p.m. until 11:30 p.m. on July 4th. If the event is cancelled due to inclement weather then this section is in effect from 6:30 p.m. until 11:30 p.m. on July 5th.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels, except the Staten Island Ferries, will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel.

These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(4) Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area inside the safety zone, at least 200 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and North 9th Street, Brooklyn. This area is bound by the following points: 40°42'45.5" N 073°58'07.4" W; thence to 40°42'50.4" N 073°58'23.2" W; thence to 40°43'23.1" N 073°58'12.7" W; thence to 40°43'21.5" N 073°57'45.7" W; (NAD 1983) thence back to the point of beginning. All vessels must be in this location by 6:30 p.m. (e.s.t.) the day of the event.

[CGD01-00-242, 66 FR 20405, Apr. 23, 2001, as amended by CGD01-05-017, 70 FR 35536, June 21, 2005]

§ 165.168 Safety Zones; Coast Guard Captain of the Port New York Fireworks Displays.

(a) *New York Harbor.* The following areas are safety zones:

(1) *Liberty Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°41'16.5" N 074°02'23" W (NAD 1983), located in Federal Anchorage 20-C, about 360 yards east of Liberty Island.

(2) *Ellis Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge located between Federal Anchorages 20-A and 20-B, in approximate position 40°41'45" N 074°02'09" W (NAD 1983), about 365 yards east of Ellis Island.

(3) *South Beach, Staten Island Safety Zone:* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35'11" N 074°03'42" W (NAD 1983), about 350 yards east of South Beach, Staten Island.

(4) *Raritan Bay Safety Zone:* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard ra-

dius of the fireworks barge in approximate position 40°30'04" N 074°15'35" W (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(5) *Coney Island Safety Zone:* All waters of Lower New York Bay within a 250-yard radius of the fireworks land shoot located on the south end of Steeplechase Pier, Coney Island, in approximate position 40°34'11" N 073°59'00" W (NAD 1983).

(6) *Arthur Kill, Elizabeth, New Jersey Safety Zone:* All waters of the Arthur Kill within a 150-yard radius of the fireworks land shoot located in Elizabeth, New Jersey, in approximate position 40°38'50" N 074°10'58" W (NAD 1983), about 675 yards west of Arthur Kill Channel Buoy 20 (LLNR 36780).

(7) *South Ellis Island Safety Zone:* All waters of Upper New York Bay within a 240-yard radius of the fireworks barge in approximate position 40°41'39.9' N 074°02'33.7" W (NAD 1983), about 260 yards south of Ellis Island.

(8) *Rockaway Beach Safety Zone:* All waters of the Atlantic Ocean within a 360 yard radius of the fireworks barge in approximate position 40°34'28.2' N 073°50'00.0' W (NAD 1983), off Beach 116th Street.

(9) *Rockaway Inlet Safety Zone:* All waters of Rockaway Inlet within a 360 yard radius of the fireworks barge in approximate position 40°34'19.1' N 073°54'43.5' W (NAD 1983), about 1,200 yards south of Point Breeze.

(10) *Pierhead Channel, NJ Safety Zone:* All waters of Pierhead Channel and the Kill Van Kull within a 360-yard radius of the fireworks barge in approximate position 40°39'18.8" N 074°04'39.1" W (NAD 1983), approximately 315 yards north of the Kill Van Kull Channel.

(11) *Midland Beach, Staten Island Safety Zone:* All waters of Lower New York Bay within a 500-yard radius of the fireworks barge in approximate position 40°34'12.0" N 074°04'29.6" W (NAD 1983), approximately 800 yards southeast of Midland Beach.

(12) *Wolfe's Pond Park, Staten Island Safety Zone:* All waters of Raritan Bay within a 500-yard radius of the fireworks barge in approximate position 40°30'52.1" N 074°10'58.8" W (NAD 1983), approximately 540 yards east of Wolfe's Pond Park.

(b) *Western Long Island Sound*. The following areas are safety zones:

(1) *Penning Neck, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 300-yard radius of the fireworks barge in approximate position 40°56'21" N 073°41'23" W (NAD 1983), about 525 yards east of Milton Point, Penning Neck, New York.

(2) *Satans Toe, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°55'21" N 073°43'41" W (NAD 1983), about 635 yards northeast of Larchmont Harbor (East Entrance) Light 2 (LLNR 25720).

(3) *Larchmont, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°54'45" N 073°44'55" W (NAD 1983), about 450 yards southwest of the entrance to Horseshoe Harbor.

(4) *Manursing Island, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°57'47" N 073°40'06" W (NAD 1983), about 380 yards north of Rye Beach Transport Rock Buoy 2 (LLNR 25570).

(5) *Glen Island, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°53'12" N 073°46'33" W (NAD 1983), about 350 yards east of the northeast corner of Glen Island, New York.

(6) *Twin Island, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 200-yard radius of the fireworks land shoot in approximate position 40°52'10" N 073°47'07" W (NAD 1983), at the east end of Orchard Beach, New York.

(7) *Davenport Neck, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in Federal Anchorage No. 1-A, in approximate position 40°53'46" N 073°46'04" W (NAD 1983), about 360 yards northwest of Emerald Rock Buoy (LLNR 25810).

(8) *Glen Cove, Hempstead Harbor Safety Zone*: All waters of Hempstead Harbor within a 360-yard radius of the fireworks barge in approximate position 40°51'58" N 073°39'34" W (NAD 1983), about 500 yards northeast of Glen Cove Breakwater Light 5 (LLNR 27065).

(9) *Bar Beach, Hempstead Harbor Safety Zone*: All waters of Hempstead Harbor within a 180-yard radius of the fireworks barge in approximate position 40°49'50" N 073°39'12" W (NAD 1983), about 190 yards north of Bar Beach, Hempstead Harbor, New York.

(10) *Larchmont Harbor, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°55'21.8" N 073°44'21.7" W (NAD 1983), about 540 yards north of Umbrella Rock.

(11) *Orchard Beach, The Bronx, Safety Zone*: All waters of Long Island Sound in an area bound by the following points: 40°51'43.5" N 073°47'36.3" W; thence to 40°52'12.2" N 073°47'13.6" W; thence to 40°52'02.5" N 073°46'47.8" W; thence to 40°51'32.3" N 073°47'09.9" W (NAD 1983), thence to the point of origin.

(c) *East River*. The following areas are safety zones:

(1) *Pier 14, East River Safety Zone*: All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42'07.5" N 074°00'06" W (NAD 1983), about 250 yards southeast of Pier 14, Manhattan, New York.

(2) *Wards Island, East River Safety Zone*: All waters of the East River within a 150-yard radius of the fireworks land shoot in approximate position 40°46'55.5" N 073°55'33" W (NAD 1983), about 200 yards northeast of the Triborough Bridge.

(3) *Pier 16, East River Safety Zone*: All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42'12.5" N 074°00'02.0" W (NAD 1983), about 200 yards east of Pier 16.

(4) *Newtown Creek, East River Safety Zone*: All waters of the East River within a 360-yard radius of the fireworks barge in approximate position 40°44'24.0" N 073°58'00.0" W (NAD 1983), about 785 yards south of Belmont Island.

(d) *Hudson River*. The following areas are safety zones:

(1) *Pier 60, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'49" N 074°01'02" W (NAD 1983), about 500 yards west of Pier 60, Manhattan, New York.

(2) *The Battery, Hudson River Safety Zone*: All waters of the Hudson River and Anchorage Channel within a 360-yard radius of the fireworks barge in approximate position 40°42'00" N 074°01'17" W (NAD 1983), about 500 yards south of The Battery, Manhattan, New York.

(3) *Battery Park City, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'39" N 074°01'21" W (NAD 1983), about 480 yards southwest of North Cove Yacht Harbor, Manhattan, New York.

(4) *Pier 90, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°46'11.8" N 074°00'14.8" W (NAD 1983), about 375 yards west of Pier 90, Manhattan.

(5) *Yonkers, New York, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°56'14.5" N 073°54'33" W (NAD 1983), about 475 yards northwest of the Yonkers Municipal Pier, New York.

(6) *Hastings-on-Hudson, New York, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°59'44.5" N 073°53'28" W (NAD 1983), about 425 yards west of Hastings-on-Hudson, New York.

(7) *Pier D, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'57.5" N 074°01'34" W (NAD 1983), about 375 yards southeast of Pier D, Jersey City, New Jersey.

(8) *Pier 54, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'31" N 074°01'00" W (NAD 1983), about 380 yards west of Pier 54, Manhattan.

(9) *Pier 84, Hudson River Safety Zone*: All waters of the Hudson River within

a 360-yard radius of the fireworks barge in approximate position 40°45'56.9" N 074°00'25.4" W (NAD 1983), about 380 yards west of Pier 84, Manhattan.

(10) *Peekskill Bay, Hudson River Safety Zone*: All waters of Peekskill Bay within a 360-yard radius of the fireworks barge in approximate position 41°17'16" N 073°56'18" W (NAD 1983), about 670 yards north of Travis Point.

(11) *Jersey City, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'37.3" N 074°01'41.6" W (NAD 1983), about 420 yards east of Morris Canal Little Basin.

(12) *Newburgh, NY, Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 41°30'01.2" N 073°59'42.5" W (NAD 1983), approximately 930 yards east of Newburgh, NY.

(e) *Notification*. Coast Guard Activities New York will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY". This sign will consist of 10" high by 1.5" wide red lettering on a white background. Shore sites used in these locations will display a sign labeled "FIREWORKS—STAY AWAY" with the same dimensions.

(f) *Enforcement period*. This section will be enforced from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) each day a barge with a "FIREWORKS—STAY AWAY" sign on the port and starboard side is on-scene or a "FIREWORKS—STAY AWAY" sign is posted in a location listed in paragraphs (a) through (d) of this section. Vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port New York or designated Coast Guard patrol personnel on scene.

(g) *Regulations*. (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CDG01-00-004, 65 FR 43239, July 13, 2000, as amended by CGDO1-00-221, 66 FR 16000, Mar. 22, 2001; CGD01-03-102, 69 FR 41199, July 8, 2004]

**§ 165.169 Safety and Security Zones:
New York Marine Inspection Zone
and Captain of the Port Zone.**

(a) *Safety and security zones.* The following waters within the New York Marine Inspection Zone and Captain of the Port Zone are safety and security zones:

(1) *Indian Point Nuclear Power Station (IPNPS).* All waters of the Hudson River within a 300-yard radius of the IPNPS pier in approximate position 41°16'12.4" N, 073°57'16.2" W (NAD 83).

(2) *U.S. Coast Guard Cutters and Shore Facilities.* All waters within 100 yards of: Each moored, or anchored, Coast Guard Cutter; Coast Guard Station New York, Staten Island, NY; Coast Guard Station Sandy Hook, NJ; Coast Guard Station Kings Point, NY; and Coast Guard Aids to Navigation Team New York, Bayonne, NJ.

(3) *Part 105 Facilities*—(i) *Definition.* For the purposes of this section, *Part 105 Facility* means any facility subject to the regulations contained in 33 CFR part 105, including those designated as “Public Access Facilities” as defined in 33 CFR 101.105. For public identification purposes, all of these facilities are required to have signs posted along the shoreline, facing the water, indicating that there is a 25 yard waterfront security zone surrounding the facilities.

(ii) *Location.* All waters within 25 yards of each Part 105 Facility. When a barge, ferry, or other commercial vessel is conducting transfer operations at a Part 105 Facility, the 25-yard zone is measured from the outboard side of the commercial vessel.

(iii) *Regulations.* (A) Vessels not actively engaged in passenger, cargo, pro-

vision, facility maintenance or inspection, bunker transfer operations, or docking or undocking operations, authorized in advance by the Facility Security Plan, Facility Security Officer or designated representative, must not enter within any part of a zone described in paragraph (a)(3) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative or designated on-scene patrol personnel.

(B) Persons seeking Captain of the Port permission to enter within a particular zone for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(C) Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit so long as they remain within the navigable channel, maintain the maximum safe distance from the Part 105 facility, and do not stop or loiter within the zone.

(4) *Liberty and Ellis Islands.* All waters within 150 yards of Liberty Island, Ellis Island, and the bridge between Liberty State Park and Ellis Island.

(5) *Bridge Piers and Abutments, Overhead Power Cable Towers, Piers and Tunnel Ventilators.* All waters within 25 yards of any bridge pier or abutment, overhead power cable tower, pier or tunnel ventilators south of the Troy, NY Locks. Vessels may transit through any portion of the zone that extends into the navigable channel for the sole purpose of direct and expeditious transit through the zone so long as they remain within the navigable channel, maintain the maximum safe distance from the waterfront facility and do not stop or loiter within the zone.

(6) *New York City Passenger Ship Terminal, Hudson River, NY*—(i) *Location.* All navigable waters of the Hudson River bound by the following points:

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From the point 40°46'09" N, 073°59'48.7" W on the seawall midway between Pier 92 and 94, thence northwest to approximate position 40°46'14" N, 074°00'00.9" W, approximately 125 yards northwest of Pier 92, thence southwest to approximate position 40°45'56.7" N, 074°00'15.3" W, approximately 150 yards west of Pier 86, thence east to the seawall between Pier 84 and Pier 86 at approximate position 40°45'49.6" N, 073°59'58.1" W (NAD 1983), thence northeast along the shoreline to the point of origin.

(ii) *Regulations.* Vessels not actively engaged in passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations, or docking or undocking operations, authorized in advance by the Facility Security Plan, Facility Security Officer or designated representative, must not enter within any part of a zone described in paragraph (a)(6) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative or designated on-scene patrol personnel. Persons seeking Captain of the Port permission to enter within the zone described in paragraph (a)(6) of this section for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(7) *La Guardia Airport, Bowery and Flushing Bays, Queens, NY.* (i) *Location: 200-Yard Zone.* All waters of Bowery and Flushing Bays within approximately 200 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens, in approximate position 40°46'32.1" N, 073°53'22.4" W, thence to 40°46'52.8" N, 073°53'09.3" W, thence to 40°46'54.8" N, 073°52'54.2" W, thence to 40°46'59.3" N, 073°52'51.3" W, thence to 40°47'11.8" N, 073°53'17.3" W, thence to 40°47'13.0" N, 073°53'16.1" W on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position 40°47'12.9" N, 073°52'17.9" W,

thence to 40°47'16.7" N, 073°52'09.2" W, thence to 40°47'36.1" N, 073°51'52.5" W, thence to 40°47'35.1" N, 073°51'50.5" W, thence to 40°47'15.9" N, 073°52'06.4" W, thence to 40°47'14.5" N, 073°52'03.1" W, thence to 40°47'10.6" N, 073°52'06.7" W, thence to 40°47'01.9" N, 073°52'02.4" W, thence to 40°46'50.4" N, 073°52'08.1" W, thence to 40°46'26.8" N, 073°51'18.5" W, thence to 40°45'57.2" N, 073°51'01.8" W, thence to 40°45'51.2" N, 073°50'59.6" W, thence to 40°45'49.5" N, 073°51'07.2" W, thence to 40°45'58.8" N, 073°51'13.2" W, thence to 40°46'02.3" N, 073°51'20.1" W, thence to 40°45'48.4" N, 073°51'37.0" W, (NAD 1983) thence along the shoreline to the point of origin.

(ii) *Location: 100-Yard Zone.* All waters of Bowery and Flushing Bays within approximately 100 yards of La Guardia Airport bound by the following points: Onshore at Steinway, Queens, in approximate position 40°46'32.1" N, 073°53'22.4" W, thence to 40°46'50.6" N, 073°53'07.3" W, thence to 40°46'53.0" N, 073°52'50.9" W, thence to 40°46'57.6" N, 073°52'47.9" W, thence to 40°47'11.8" N, 073°53'17.3" W, thence to 40°47'13.0" N, 073°53'16.1" W on Rikers Island, thence easterly along the Rikers Island shoreline to approximate position 40°47'12.9" N, 073°52'17.9" W, thence to 40°47'16.7" N, 073°52'09.2" W, thence to 40°47'36.1" N, 073°51'52.5" W, thence to 40°47'35.1" N, 073°51'50.5" W, thence to 40°47'15.9" N, 073°52'06.4" W, thence to 40°47'14.5" N, 073°52'03.1" W, thence to 40°47'07.9" N, 073°52'09.2" W, thence to 40°47'01.4" N, 073°52'06.1" W, thence to 40°46'50.0" N, 073°52'14.6" W, thence to 40°46'22.2" N, 073°51'16.0" W, thence to 40°45'57.2" N, 073°51'01.8" W, thence to 40°45'52.4" N, 073°51'00.2" W, thence to 40°45'50.6" N, 073°51'07.9" W, thence to 40°45'58.8" N, 073°51'13.2" W, thence to 40°46'04.0" N, 073°51'23.3" W, thence to 40°45'51.2" N, 073°51'38.8" W, (NAD 1983) thence along the shoreline to the point of origin.

(iii) *Enforcement period.* The zones described in paragraph (a)(7) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(7)(i) that lies outside of the waters described in paragraph (a)(7)(ii). Authorization to enter the waters that lie between the outer boundaries of the

zones described in paragraphs (a)(7)(i) and (a)(7)(ii) will be communicated by the Captain of the Port to the public by marine broadcast, or local notice to mariners, or notice posted at <http://homeport.uscg.mil/newyork>.

(8) *John F. Kennedy Airport, Jamaica Bay, Queens, NY.* (i) *Location: Bergen Basin.* All waters of Bergen Basin north of 40°39'26.4" N.

(ii) *Location: Thurston Basin.* All waters of Thurston Basin north of 40°38'21.2" N.

(iii) *Location: 200-Yard Zone.* All waters of Jamaica Bay within approximately 200 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens, in approximate position 40°38'49.0" N, 073°49'09.1" W, thence to 40°38'42.5" N, 073°49'13.2" W, thence to 40°38'00.6" N, 073°47'35.1" W, thence to 40°37'52.3" N, 073°47'55.0" W, thence to 40°37'50.3" N, 073°47'53.5" W, thence to 40°37'59.4" N, 073°47'32.6" W, thence to 40°37'46.1" N, 073°47'07.2" W, thence to 40°37'19.5" N, 073°47'30.4" W, thence to 40°37'05.5" N, 073°47'03.0" W, thence to 40°37'34.7" N, 073°46'40.6" W, thence to 40°37'20.5" N, 073°46'23.5" W, thence to 40°37'05.7" N, 073°46'34.9" W, thence to 40°36'54.8" N, 073°46'26.7" W, thence to 40°37'14.1" N, 073°46'10.8" W, thence to 40°37'36.9" N, 073°45'52.8" W, thence to 40°38'00.8" N, 073°44'54.9" W, thence to 40°38'05.1" N, 073°45'00.3" W, (NAD 1983) thence along the shoreline to the point of origin.

(iv) *Location: 100-Yard Zone.* All waters of Jamaica Bay within approximately 100 yards of John F. Kennedy Airport bound by the following points: Onshore east of Bergen Basin, Queens, in approximate position 40°38'49.0" N, 073°49'09.1" W, thence to 40°38'45.1" N, 073°49'11.6" W, thence to 40°38'02.0" N, 073°47'31.8" W, thence to 40°37'52.3" N, 073°47'55.0" W, thence to 40°37'50.3" N, 073°47'53.5" W, thence to 40°38'00.8" N, 073°47'29.4" W, thence to 40°37'47.4" N, 073°47'02.4" W, thence to 40°37'19.9" N, 073°47'25.0" W, thence to 40°37'10.0" N, 073°47'03.7" W, thence to 40°37'37.7" N, 073°46'41.2" W, thence to 40°37'22.6" N, 073°46'21.9" W, thence to 40°37'05.7" N, 073°46'34.9" W, thence to 40°36'54.8" N, 073°46'26.7" W, thence to 40°37'14.1" N, 073°46'10.8" W, thence to 40°37'40.0" N, 073°45'55.6" W, thence to 40°38'02.8" N, 073°44'57.5" W, thence to 40°38'05.1" N,

073°45'00.3" W, (NAD 1983) thence along the shoreline to the point of origin.

(v) *Enforcement period.* The zones described in paragraphs (a)(8) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels to operate within that portion of the waters described in paragraph (a)(8)(iii) that lies outside of the waters described in paragraph (a)(8)(iv). Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(8)(iii) and (a)(8)(iv) will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://homeport.uscg.mil/newyork>.

(9) *NYPD Ammunition Depot, Rodman Neck, Eastchester Bay, NY.* (i) *Location: 150-Yard Zone.* All waters of Eastchester Bay within approximately 150 yards of Rodman Neck bound by the following points: Onshore in approximate position 40°51'30.4" N, 073°48'14.9" W, thence to 40°51'29.9" N, 073°48'20.7" W, thence to 40°51'16.9" N, 073°48'22.5" W, thence to 40°51'07.5" N, 073°48'18.7" W, thence to 40°50'54.2" N, 073°48'11.1" W, thence to 40°50'48.5" N, 073°48'04.6" W, thence to 40°50'49.2" N, 073°47'56.5" W, thence to 40°51'03.6" N, 073°47'47.3" W, thence to 40°51'15.7" N, 073°47'46.8" W, thence to 40°51'23.5" N, 073°47'41.9" W, (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(ii) *Location: 100-Yard Zone.* All waters of Eastchester Bay within approximately 100 yards of Rodman Neck bound by the following points: Onshore in approximate position 40°51'30.4" N, 073°48'14.9" W, thence to 40°51'30.1" N, 073°48'19.0" W, thence to 40°51'16.8" N, 073°48'20.5" W, thence to 40°51'07.9" N, 073°48'16.8" W, thence to 40°50'54.9" N, 073°48'09.0" W, thence to 40°50'49.7" N, 073°48'03.6" W, thence to 40°50'50.1" N, 073°47'57.9" W, thence to 40°51'04.6" N, 073°47'48.9" W, thence to 40°51'15.9" N, 073°47'48.4" W, thence to 40°51'23.5" N, 073°47'41.9" W, (NAD 1983) thence southwesterly along the shoreline to the point of origin.

(iii) *Enforcement period.* The zones described in paragraph (a)(9) of this section will be effective at all times. When port security conditions permit, the Captain of the Port will allow vessels

to operate within that portion of the waters described in paragraph (a)(9)(i) that lies outside of the waters described in paragraph (a)(9)(ii). Authorization to enter the waters that lie between the outer boundaries of the zones described in paragraphs (a)(9)(i) and (a)(9)(ii) will be communicated by the Captain of the Port to the public by marine broadcast, local notice to mariners, or notice posted at <http://homeport.uscg.mil/newyork>.

(10) *Port Newark/Port Elizabeth, Newark Bay, NJ.* All waters of Newark Bay bound by the following points: 40°41'49.9" N, 074°07'32.2" W, thence to 40°41'46.5" N, 074°07'20.4" W, thence to 40°41'10.7" N, 074°07'45.9" W, thence to 40°40'54.3" N, 074°07'55.7" W, thence to 40°40'36.2" N, 074°08'03.8" W, thence to 40°40'29.1" N, 074°08'06.3" W, thence to 40°40'21.9" N, 074°08'10.0" W, thence to 40°39'27.9" N, 074°08'43.6" W, thence to 40°39'21.5" N, 074°08'50.1" W, thence to 40°39'21.5" N, 074°09'54.3" W, (NAD 1983) thence northerly along the shoreline to the point of origin.

(11) *Global Marine Terminal, Upper New York Bay.* All waters of Upper New York Bay between the Global Marine and Military Ocean Terminals, west of the New Jersey Pierhead Channel.

(12) *Approaches to New York, Atlantic Ocean*—(i) *Location.* All waters of the Atlantic Ocean between the Ambrose to Hudson Canyon Traffic Lane and the Barnegat to Ambrose Traffic Lane bound by the following points: 40°21'29.9" N, 073°44'41.0" W, thence to 40°21'04.5" N, 073°45'31.4" W, thence to 40°15'28.3" N, 073°44'13.8" W, thence to 40°15'35.4" N, 073°43'29.8" W, thence to 40°19'21.2" N, 073°42'53.0" W, (NAD 1983) thence to the point of origin.

(ii) *Enforcement period.* Enforcement periods for the zone in paragraph (a)(12) of this section will be announced through marine information broadcast or other appropriate method of communication and the zone is activated whenever a vessel is anchored in the area described in paragraph (a)(12)(i) or a Coast Guard patrol vessel is on-scene.

(iii) *Regulations.* (A) The area described in paragraph (a)(12) of this section is not a Federal Anchorage Ground. Only vessels directed by the Captain of the Port or his or her des-

ignated representative to enter this zone are authorized to anchor here.

(B) Vessels do not need permission from the Captain of the Port to transit the area described in paragraph (a)(12) of this section during periods when that security zone is not being enforced.

(13) *Liquefied Hazardous Gas (LHG) Vessels*—(i) *Definitions.* For the purposes of this section, *LHG Vessel* means any vessel constructed or converted to carry, in bulk, any of the flammable or toxic products listed in 33 CFR 127.005, Table 127.005.

(ii) *Location.* All waters within a 200-yard radius of any LHG Vessel that is underway and all waters within a 100-yard radius of any LHG Vessel that is moored or at anchor.

(iii) *Enforcement period.* The zone described in paragraph (a)(13) of this section will be activated upon entry of a LHG Vessel into the navigable waters of the United States (see 33 CFR 2.36(a) to include the 12 NM territorial sea) in the New York Captain of the Port Zone (33 CFR 3.05–30). The LHG Vessel will be identifiable by the requirement to fly the Bravo flag (red international signal flag under Pub. 102, International Code of Signals) from the outermost halyard (above the pilot house) where it can most easily be seen. In addition to visual identification of the LHG Vessel, the Captain of the Port will notify the maritime community of periods during which this zone will be enforced by methods in accordance with 33 CFR 165.7.

(14) *Cruise ships*—(i) *Definition.* For the purposes of this section, *cruise ship* means a passenger vessel as defined in 46 U.S.C. 2101(22), that is authorized to carry more than 400 passengers and is 200 or more feet in length. A cruise ship under this section will also include ferries as defined in 46 CFR 2.10–25 that are authorized to carry more than 400 passengers and are 200 feet or more in length.

(ii) *Location.* All waters within a 100-yard radius of any Cruise ship whether underway, anchored, or at berth.

(iii) *Enforcement period.* The zone described in paragraph (a)(14) of this section will be activated upon entry of any cruise ship into the navigable waters of the United States (see 33 CFR

2.36(a) to include the 12 NM territorial sea) in the New York Captain of the Port Zone (33 CFR 3.05-30). This zone will remain activated at all times while the cruise ship is within the navigable waters of the United States in the New York Captain of the Port Zone.

(15) *Designated Vessels*—(i) *Definition*. For the purposes of this section, *Designated Vessels* are vessels carrying government officials, dignitaries, or other passengers requiring protection by the U.S. Secret Service, or other Federal, State or local law enforcement agency; barges or ships carrying petroleum products, chemicals, or other hazardous cargo; and passenger vessels (as defined in 46 U.S.C. 2101(22)), that are authorized to carry more than 400 passengers and are less than 200 feet in length.

(ii) *Location*. All waters within a 100-yard radius of any Designated Vessel.

(iii) *Enforcement period*. The zone described in paragraph (a)(15) of this section will be activated upon entry of any Designated Vessel into the navigable waters of the United States (see 33 CFR 2.36(a) to include the 12 NM territorial sea) in the New York Captain of the Port Zone (33 CFR 3.05-30). This zone will remain activated at all times while the Designated Vessel is within the navigable waters of the United States in the New York Captain of the Port Zone. The Designated Vessels, including ships and barges carrying petroleum products, chemicals, or other hazardous cargo will be recognized by the requirement to fly the Bravo flag (red international signal flag under Pub 102, International Code of Signals from the outermost halyard (above the pilot house) where it can most easily be seen. Vessels that are constrained by their draft from leaving the channel may transit through the zone for the sole purpose of direct and expeditious transit so long as they remain within the navigable channel, maintain the maximum possible safe distance from the Designated Vessel, and do not stop or loiter within the zone. Designated Vessels carrying government officials, dignitaries, or other passengers requiring protection, and passenger vessels authorized to carry more than 400 passengers and are less than 200 feet in

length will be recognizable by their being escorted by a federal, state or local law enforcement or security vessel. The law enforcement or security vessel will be identifiable by flashing light, siren, flags, markings and/or through other means that clearly identify the vessel as engaged in law enforcement or security operations.

(16) *134th Street Pipeline Metering and Regulating Station*—(i) *Location*. All waters of the Hudson River within 25 yards of the 134th Street Pipeline Metering and Regulating Station.

(ii) *Regulations*. (A) Vessels not actively engaged in facility maintenance or inspection operations authorized in advance by the Pipeline Security Officer or designated representative, or authorized docking or undocking operations, must not enter within any part of a zone described in paragraph (a)(16) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative or designated on-scene patrol personnel.

(B) Persons seeking Captain of the Port permission to enter within a particular zone for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(17) *Waterfront heliports*—(i) *Location*. All waters of the East River within 25 yards of the East 34th Street and Wall Street Heliports, and all waters of the Hudson River within 25 yards of the West 30th Street Heliport and the Jersey City/Newport Helistop, areas of land or water under and in immediate proximity to them; buildings on such structures or contiguous to them; and equipment and materials on such structures and in such buildings. When a barge, ferry, or other commercial vessel is conducting transfer operations at a waterfront heliport, the 25-yard zone is measured from the outboard side of the commercial vessel.

(ii) *Regulations.* (A) Vessels not actively engaged in passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations, or docking or undocking operations, authorized in advance by the Facility Security Plan, Facility Security Officer or designated representative, must not enter within any part of a zone described in paragraph (a)(17) of this section without the express permission of the Coast Guard Captain of the Port, a designated representative, or designated on-scene patrol personnel.

(B) Persons seeking Captain of the Port permission to enter within a particular zone for official business other than authorized passenger, cargo, provision, facility maintenance or inspection, bunker transfer operations or authorized docking or undocking operations may request such authorization by contacting: Commander Coast Guard Sector New York, via the Sector Command Center (SCC), at: 212 Coast Guard Drive, Staten Island, NY 10305, or via fax to (718) 354-4125 or by contacting the Sector Command Center Duty Officer by phone at: (718) 354-4353.

(C) Vessels entering or departing the marina north of the Newport Helistop are authorized to transit through the safety/security zone around the Newport Helistop during their transit, provided that helicopters are not taking off or landing. No loitering or unnecessary delay is authorized during these transits.

(b) *Regulations.* (1) Entry into or remaining in a safety or security zone is prohibited unless authorized by the Coast Guard Captain of the Port, New York.

(2) Persons desiring to transit the area of a safety or security zone may contact the Captain of the Port at telephone number 718-354-4088 or on VHF channel 14 (156.7 MHz) or VHF channel 16 (156.8 MHz) to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his or her designated representative.

[CGD01-02-132, 68 FR 2890, Jan. 22, 2003, as amended by CGD01-03-036, 69 FR 2670, Jan. 20, 2004; CGD01-03-020, 69 FR 23306, June 15, 2004; USCG-2008-0179, 73 FR 35017, June 19, 2008; USCG-2007-0074, 74 FR 7191, Feb. 13, 2009]

§ 165.170 Safety Zone: Triathlon, Ulster Landing, Hudson River, NY.

(a) *Regulated area.* The following area is a safety zone: All waters of the Hudson River, in the vicinity of Ulster Landing, bound by the following points: 42°00'03.7" N, 073°56'43.1" W; thence to 41°59'52.5" N, 073°56'34.2" W; thence to 42°00'15.1" N, 073°56'25.2" W; thence to 42°00'05.4" N, 073°56'41.9" W (NAD 1983); thence along the shoreline to the point of beginning.

(b) *Effective period.* This section is in effect annually from 6 a.m. until 9 a.m. on the first Sunday after July 4th.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

[CGD01-00-248, 66 FR 29486, May 31, 2001]

§ 165.202 [Reserved]

FIFTH COAST GUARD DISTRICT

§ 165.T05-0091 Safety Zone; Alligator River, NC.

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector North Carolina. *Representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: The temporary safety zone will encompass a 100 yard radius on the waters of the Alligator River centered at (35°54'3" N/076°00'25" W) a position directly under the U.S. Highway 64 Swing Bridge.

(c) *Regulations.* (1) The general regulations contained in §165.23 of this part